(XXVIIIth YEAR.) THE (N° 1465.)

MARYLAND GAZETTE.

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"*Though* our kings can do no wrong, *and though they* "*cannot be cal'ed to account by any form* our constitu- "tion *prescribes, their* ministers *may. They are an-* "*swerable for the* administration of the government, "each *for his* particular part, *and the* prime *or* sole "minister, *when there happens to be one for the whole:* "*he is the more so, and the more justly, if he hath af-* "*fected to render himself so, by asperging on his* fellows, "*by* wriggling, intriguing, whispering, *and* hasty "gaining *himself into this dangerous post, to which he* "*was not called by the* general suffrage, *nor perhaps,* "*by the deliberate choice of his* master *himself.*"

Dedication to the diſſertation upon parties.

THE noble author of the diſſertation upon parties begins his fourth letter with the following ſentiment taken from Cicero's treatiſe on the nature of the gods—"Balbus, when he "is about to prove the exiſtence of a ſupreme being, "makes this obſervation (*opi-* "*nionum commenta delet di-* "*es, naturæ autem judicia confirmat*); Groundleſs "opinions are deſtroyed, but rational judgments, or "the judgments of nature, are confirmed by time." The obſervation may be applied to a variety of inſtances, in which the ſophiſtry and ingenuity of man have been employed to confound common ſenſe, and to puzzle the underſtanding, in order to eſtabliſh opinions ſuited to the views of intereſt, or of power.

An examination of Antilon's arguments, and anſwers to mine, will ſhow how forcibly the judicious remark of Balbus applies to the legal ſubtleties and metaphyſical reaſoning of my adverſary. I ſhall take his arguments and his anſwers nearly in the order they occur in his laſt paper.

The revival of the governor's authority to regulate the fees of officers, on the expiration of the inſpection law, is admitted, provided that authority had a legal exiſtence; but the legality of the authority is denied; for, whether it be legal or not, is the very matter in debate—"The offices being old and conſtitutional, "and ſupported by incidental fees, the right to re- "ceive *ſuch* fees is old and conſtitutional," and therefore my adverſary would infer, that the fees ſettled by proclamation are old and conſtitutional.

This inference does not follow from the premiſes notwithſtanding the crafty inſertion of the word *ſuch*. The offices being old, the right to receive fees may be old; but the queſtion recurs, what fees? of whom? where reſides the authority of fixing the rates? for, fixed they muſt be, by ſome authority. That they may be fixed by the legiſlature, is admitted on all ſides; ſhould the different branches of the legiſlature diſagree about the ſettlement, what authority muſt then interpoſe, and ſettle the rates hitherto unaſcertained? Antilon contends that in ſuch caſe, the ſupreme magiſtrate, or the judges acting under an authority delegated from him, may ſettle them. If this doctrine be conſtitutional, what ſecurity have we againſt the impoſition of exceſſive fees? Does it not give a diſcretionary power to the governor of making what proviſion he may think proper for his officers, and of rendering them independent of the people? When a ſervice is performed, the performer is clearly intitled to ſome recompence, but whether he is to receive that recompence from the perſon ſerved, or from another, may be a matter of doubt; the quantum of the recompence may not be aſcertained, either by contract, by uſage, or by law; and then in caſe of a diſpute, muſt be ſettled by the verdict of a jury.

If the authority to regulate the fees of officers by proclamation be illegal, the proclamation can prevent the extortion of officers only by operating on their fears of the governor's diſpleaſure, and of a removal from office; "But if the proclamation had not iſſued "prohibiting the officers from taking *other*, or greater "fees than allowed by the late inſpection act, then "would the officers have had it in their power to have "demanded *any fees*"

Their rapacity perhaps might have prompted them to demand moſt exceſſive fees; but under what obligation were the people to comply with their exorbitant demands?

Suppoſe a perſon ſhould carry a deed to be recorded in the provincial office; the clerk refuſes to record it, unleſs the party will pay him fifty guineas; muſt he ſubmit to this unreaſonable exaction, or run the riſk of loſing his property by ſuffering his title to remain incomplete? To avoid that danger, the money is paid; will he not be intitled to recover of the officer by the verdict of a jury, what they might think above the real value of the ſervice? or ſuffering his title to remain incomplete, might he not ſue the officer for damages, firſt tendering a reaſonable fee adequate to the trouble and expence of recording the deed? Anſwer, Antilon, without equivocation, yes—or no. If the officer might be indicted for extortion, what benefit could the people expect from ſuch a proſecution, when the power of granting a noli proſequi is conſeſſedly veſted in the government? The preſent regulation, we are told—"contains no enforcement of pay- "ment from the people, the officer being left to his "legal remedy." There is not, it is true, any immediate enforcement of payment, unleſs indeed the officer ſhould refuſe to do the ſervice, if not paid his fee, at the very inſtant of performing the ſervice, which as I formerly remarked, would be in moſt inſtances an effectual method of enforcing payment.

Suppoſe the officer ſhould not inſiſt on an immediate payment, and that his account of fees ſhould be conteſted; he brings an action to recover his fees, according to the very ſettlement of the proclamation; to whoſe deciſion is this queſtion to be left? To the judges? or to a jury? If to the former, and they ſhould be of opinion, that the governor has a right to regulate fees by proclamation, when there is no prior eſtabliſhment by law, and the defendant ſhould refuſe to ſubmit to the ſentence of the court, he will be committed to jail, or the ſum will be levied by execution of his effects; diſtreſs, though delayed for ſome time, will ſurely overtake him in the end. Some of the judges diſcover a diſinclination to remain in office; they ſolicit a removal; granted, and approved of; others are requeſted to ſucceed them; ſhould we not have cauſe to ſuſpect the rectitude of applications made to men, who have publickly declared their opinion of the legality of the meaſure, attempted to be enforced by the ſanction of the courts of juſtice?

Other methods may be employed to enforce the proclamation. The frowns of government will awe the timid into a compliance: the neceſſitous cannot withſtand the force of temptation, or the threats of power; the diſobedient, and refractory muſt relinquiſh all hopes of promotion, or of promoting their friends; who have favours to aſk at court, muſt merit court-favour by ſetting examples of duty, and ſubmiſſion.

It has been alleged that fees are taxes; to prove the aſſertion, the authority of Coke, and reaſons grounded on the general principles of the conſtitution have been produced: mark, how Antilon has endeavoured to get over the authority, and confute the reaſons. One of the great objections to the proclamation is, that it impoſes a tax on the people, and conſequently is competent to the legiſlature only. Antilon contends, that fees are improperly ſtiled taxes, becauſe they have been ſettled by the ſeparate branches of the legiſlature, which only can impoſe a tax. I have already expoſed the ſophiſtry of this argument, I hope, to the ſatisfaction of the unprejudiced; ſome farther elucidation however, may be neceſſary to men not thoroughly converſant with the ſubject. The lords and commons, and the upper and lower houſes of aſſembly have each ſeparately ſettled the fees of their reſpective officers by the particular uſage of parliament, which muſt be deemed an exception to the general law, and ought, as all exceptions, to be ſparingly exerciſed, and in ſuch caſes, and in ſuch manner only, as the uſage will ſtrictly warrant. It was foreign to my purpoſe to inquire into this uſage, cuſtom, or law of parliament, to inveſtigate its origin, or to examine its conſtitutionality. On an inquiry, it would perhaps be found co-eval with parliaments. But do you, Antilon, admit the right of the lower houſe to rate the fees of its officers? If you do not admit the right, to argue from the mere exerciſe of it, is certainly unfair in *you*. You ſtill inſiſt, that I have admitted the right of the judges to ſettle the fees of office-s attendant on their courts; be pleaſed to turn to the paſſage in my anſwer to your firſt paper, part of which you have cited, and then be candid enough to acknowledge, if you have not wilfully miſrepreſented, that you have miſtaken my meaning.

The major propoſition, that taxes cannot be laid, but by the legiſlature, I have admitted with this exception, "*ſaving in ſuch caſes, &c.*"

It was not incumbent on me to prove the exception, it is ſufficiently proved by the journals of parliament; the *right*, or the *exerciſe*, if you like that word better, has been frequently exerciſed, whether conſtitutionally, or not, is another queſtion. The two houſes of parliament are the ſole judges of their own privileges, with which I ſhall take care not to intermeddle. Inconſiſtencies in all governments are to be met with; in ours the moſt perfect, which was ever eſtabliſhed, ſome may be found.

A partial deviation from a clear and fundamental *maxim* of the conſtitution cannot invalidate that *maxim*.

To explain my meaning. It is a ſettled principle of the Britiſh conſtitution, that taxes muſt be laid by the whole legiſlature, yet in one inſtance, perhaps in more, the principle hath been violated. The ſeparate branches of the legiſlature have ſettled the fees of their own officers. Antilon has inferred from that exception to the general rule, or maxim, which exception ſhould be conſidered as the peculiar privilege of parliament, "that fees are not taxes." He has admitted, (if I comprehend his meaning) that fees are ſometimes taxes, that is, when impoſed by the legiſlature; but when regulated by the judges they come not within the legal definition of a tax.

Thus the fees regulated by the late inſpection law were taxes; the ſame fees now attempted to be eſtabliſhed by proclamation ceaſe to be taxes becauſe regulated by an authority diſtinct from the legiſlature; but are their nature and effects altered by their two different modes of ſettlement? ſhould an act of parliament paſs for the payment of the identical fees, ſaid to be paid to officers, under the ſole authority of the judges, according to Antilon's doctrine, the fees thus eſtabliſhed by act would become inſtantly taxes; but are they leſs oppreſſive, becauſe ſettled by the diſcretion of the judges? I preſume to think them more oppreſſive, becauſe of a more dangerous tendency, particularly if on a diſagreement between the branches of the legiſlature, that authority may interpoſe, and eſtabliſh the very fees, and along with them a variety of abuſes, which the repreſentatives of the people wiſh to have reformed. "The judges are not governed by "the law of parliament, they have no authority to "tax the ſubject, but their allowance of fees to their "neceſſary officers is lawful"—of *ancient fees*—admitted. I had obſerved—"*It does not appear that the* "*judges have ever impoſed new fees by their ſole authori-* "*ty.*" In anſwer to this Antilon remarks—"That "the *fees* when originally allowed were *new*, and the "allowance being made by the judges therefore they "originally allowed *new fees*, and if fees were originally taxes when *new*, they have not ceaſed to be "taxes in conſequence of the frequent repetition of "the acts of payment and receipt, and of their having "obtained the denomination *antient fees*"—It will be proper to remind Antilon of another obſervation, which I made in my former papers on this very ſubject, and of which he has taken no notice. The King originally paid *all his officers* out of his own revenue; the ſubject was not taxed to ſupport the civil eſtabliſhment; in extraordinary emergencies, as foreign, or civil wars, tenths, fifteenths, and other imp-ſitions were granted by the commons in parliament to defray extraordinary expences.

It was conſiſtent with the principles of the conſtitution, and agreeable to juſtice, that the King who paid *all his officers* out of his own purſe, ſhould have the right of aſcertaining their ſalaries, or of delegating that right to his judges.

The antient fees ſo often ſpoken of, were thoſe perhaps, which the King formerly paid, and were ſettled by the judges. I ſay perhaps, for in a matter ſo obſcure, it would be raſh to pronounce decitively. If I am right in this conjecture, *antient fees* were not originally taxes, becauſe not paid originally by the people. *Ancient uſage* according to Bacon gives fees an *equal ſanction* with an act of parliament; upon this principle I apprehend, that *ſuch fees* are preſumed to have been originally eſtabliſhed by the proper authority, although their commencement and the authority, which impoſed them at this day be unknown—"At "common law, none of the king's officers, whoſe "offices did *any way* concern the adminiſtration of "juſtice, could take any reward for doing their offices, "but what they received of the king"—Theſe words are ſufficiently comprehenſive to take in all the inferior miniſters and officers of the courts of juſtice. The fee of *one*, commonly called the bar fee—was "*an antient fee*, ſays Coke *taken time out of mind* by "the ſheriff—of every priſoner acquitted of felony," and therefore according to the above principle laid down by Bacon, acquired an equal ſanction with fees eſtabliſhed by law—" an office erected for the publick "good, though no fee is annexed to it, is a good "office, and the party for the labour and pains, "which he takes in executing it, may maintain a "*quantum meruit*, if not as a fee, yet as competent re-"compence for his trouble" This clearly relates to an office newly erected; but what follows ſeems to include the unſettled fees of all offices new and old. "Where "a perſon was libelled in the eccleſiaſtical court for "fees, upon motion, a prohibition was granted—*for* "*no court has a power to eſtabliſh fees*; the judge of the "court may think them *reaſonable*, but this is not "*binding*." But if on a *quantum meruit*—a jury think them *reaſonable*, then they become *eſtabliſhed fees*—probably the fees, which now go under the denomination, *antient fees*, and not expreſſly given by act of parliament, were originally eſtabliſhed by the verdict of a jury, and their having been long allowed by the courts of juſtice, may be deemed preſumptive evidence of ſuch eſtabliſhment. The method of reforming abuſes in the courts of juſtice by the preſentment of experienced practicers upon oath, appointed by the judges, to enquire what fees had been exacted other than "*the antient and uſual fees*," ſeems to favour this conjecture.

"In the year 1743 an order was made in chan-"cery by Lord Hardwicke reciting, that the king "upon the addreſs of the commons, had iſſued his commiſſion for making a diligent and particular ſur-"vey, and view of all officers of the ſaid court, and "inquiring what fees, and wages every of thoſe "officers might, and ought *lawfully* to have in reſpect "of their offices, and what had of *late time* been un-"juſtly incroached, and impoſed upon the ſubject "&c."—"Then are added"—continues Antilon "tables of fees of the reſpective officers, and among "the fees ſettled by this order are the fees of the maſ-"ter of the rolls," who adviſed and aſſiſted the chancellor in making the ſettlement. How is this tranſaction to be reconciled with the doctrine of Hawkins, "that the courts of juſtice are not reſtrained from al-

" lowing reasonable *fees* to their officers, as the chief " danger of oppreſſion is from officers being left at li- " berty to ſet their *own rates* and make their *own de-* " *mands*?" In this inſtance certainly, if [illegible] the ſettle-ment aforeſaid an impoſition of *new fees*, and not an authentication of the *old and eſtabliſhed fees* be underſtood, the maſter of the rolls was [illegible] adviſed with, and aſſiſted in ſettling his own rates. Is this proceeding conſonant to the principles of juſtice? What ſays Hawkins? "There can't be too much fear of abuſes " when officers are reſtrained to *known* and *ſtated fees* " ſettled by the diſcretion of the courts, becauſe the " chief danger of oppreſſion"—&c. Should the judges be any ways intereſted in the ſettlement *(A)* of their officers fees, would not the reaſon aſſigned by Hawkins for the interpoſition of their authority, in the manner explained by Antilon, operate moſt forcibly againſt the *exerciſe* of it? Would it for inſtance be agreeable to equity and natural juſtice, to permit the ſecretary of this province to ſettle the fees of the county clerks, on the groſs amount of whoſe liſts he receives a clear tenth; carry the caſe a little further: ſuppoſe the practice had long prevailed of offering the ſecretary a genteel preſent on every grant of a commiſſion for a county clerkſhip, Would it not be his intereſt to enhance the value of county clerkſhips? The gratuity would probably bear ſome proportion to the value of the place bargained for. Do the judges in Weſtminſter-hall receive gratuities on granting offices in their appointment?—If they do, Hawkins's reaſon is ſelo de ſe—it is the ſtrongeſt, that can be urged againſt the power, which it is meant to ſupport.

If the judges have an intereſt in the offices in their diſpoſal, a diſcretionary power to allow fees to their officers, is in ſome meaſure a power of ſettling their *own rates* and making their *own demands*. Coke's authority proves moſt clearly, that *new fees* annexed to *old* offices are taxes: whether the fees ſettled by proclamation are *new fees* remains to be conſidered; " fees, ſays Antilon, may be due without a preciſe " ſettlement of the rates, and the right to receive " them, may be co-eval with the firſt creation of the " offices, as in the caſe of our old and conſtitutional " offices; when ſuch fees are *ſettled* they are not pro- " perly *new* fees, and therefore a regulation reſtrain- " ing the officer from taking beyond a ſtated ſum for " each ſervice, when he was before intitled to a fee " for ſuch ſervice, is not granting or annexing a *new* " *fee* to an old office."

The queſtion therefore is now reduced to theſe two points—1ſt. Has not government attempted to ſettle the rates of officers fees by proclamation? 2dly. Are not fees ſo ſettled—*new fees*? If they are, upon Antilon's own principles, government hath no right to ſettle them. The reſtraint laid on officers, by the proclamation from taking *other*, or *greater* fees, than allowed by the late regulation, can be conſidered in no other light, than an implied affirmative allowance to take *ſuch fees*, as were allowed by that regulation, and of courſe muſt be deemed an *intended* ſettlement of the rates *(B)*. The fees payable to our old, and conſtitutional officers, have been differently rated, by different acts of aſſembly; theſe various rates, were never meant to be extended beyond the duration of the temporary acts, by which they were aſcertained, for, one principal reaſon of making thoſe acts temporary, we have ſeen, was to reduce the rates occaſionally, and to leſſen the burthen of them: On the expiration therefore of the late inſpection law, the regulation of officers fees expired with it, that is, there remained no obligation on the people to pay the rates ſettled by that, or any former regulation, and conſequently the fees, as to the *quantum*, or preciſe ſum, were then unſettled. Government entertained the ſame opinion, and iſſued a proclamation to aſcertain the rates, or as is ſometimes pretended, to prevent extortion, becauſe the rates being *unſettled*, the officers might have demanded *any fees*: the fees therefore not being *ſettled*, when the inſpection law fell, the ſettlement of them by proclamation was a *new* ſettlement, and of courſe the fees ſo ſettled were *new*; but *new* fees according to Coke cannot be annexed to *old offices* unleſs by act of parliament; his authority therefore, even as explained by Antilon, proves that a ſettlement by proclamation of fees due to *old* offices is illegal. A mere right in officers to receive fees, cannot be oppreſſive; the actual receipt only of exceſſive or unreaſonable fees is oppreſſive, now, who are the propereſt judges whether fees be exceſſive or moderate? Officers certainly are not, the ſame objections, which may be made to their deciſion, apply to the governor, and moſt of them to the judges—juries may be partial, or packed. All theſe conſiderations plead ſtrongly for a legiſlative regulation, which is liable to none of the objections hinted at. The doctrine laid down by Antilon in oppoſition to Coke's, teems with miſchief and abſurdities—" Old officers have a right co-eval with their " inſtitution to receive fees," the inference therefore " *when their fees are not aſcertained by the legiſlature, the* " *judges may aſcertain them*" is by no means logical, it contradicts the moſt notorious and ſettled point of the conſtitution, it lodges a diſcretionary power in the judges appointed by the crown, and formerly removeable at pleaſure, to impoſe exceſſive fees, and conſequently to oppreſs the ſubject, without a poſſibility of redreſs, ſhould the king, or lords refuſe to concur with the commons in paſſing a law to moderate the rates, and to correct abuſes—" *The governor adopted the late* " *rates as the moſt moderate of any*"—If he might have adopted *any other* rates, his *exceeding levity* deſerves our *warmeſt* thanks; but then we are more indebted to his indulgence, than to the limitation of prerogative; we cannot therefore be ſaid to enjoy true liberty, " for " that, (as Blackſtone juſtly obſerves) conſiſts not ſo " much in the gracious behaviour, as in the limited " power of the ſovereign." According to Antilon—" The late regulation of fees expiring with the tem- " porary act, the governor's authority to ſettle the " rates revived," and he inſinuates, " that it was " optional in him to adopt the rates of the late, or of " any prior regulation, or even to preſcribe rates in- " tirely new." If the old and conſtitutional officers have a right to receive fees, have they not, it may be aſked, a remedy to come at that right, and if ſo, What remedy? The remedy, which the conſtitution has given to every ſubject under the protection of the laws. If a conteſt ſhould ariſe between the officer and the perſon for whom the ſervice is done about the quantum of the recompence, the former muſt have recourſe to the only true, and conſtitutional remedy in that caſe provided, the trial by jury. Among other great objections to the proclamation, at leaſt to Antilon's defence of it, are his endeavours to ſet aſide that mode of trial, the beſt ſecurity againſt the encroachments of power, and conſequently the firmeſt ſupport of liberty. The perſon, who calls himſelf Antilon, has filed a bill in chancery for the recovery of fees principally due for ſervices done at common law: by appealing to the court of chancery, of which the governor is ſole judge, and in whom, he contends, the will to ordain the rates, and the power to enforce them are lodged, he has endeavoured to eſtabliſh a tyranny in a land of freedom *(C)*. In anſwer to the declaration of chief juſtice Roll—I ſhall give the declaration of a ſubſequent chief juſtice, of greater, at leaſt, of equal authority. The caſe I allude to is reported by Lord Raymond 1 vol. p. 703—It was aſſerted by council that the court of king's-bench, or judge of aſſize reſpectively, would exert their authority and commit perſons refuſing to pay fees due to the *old officers* of the courts, and that this was the conſtant practice. " But Holt, chief juſtice ſaid, he knew of " no ſuch practice; he could not commit a man for " not paying the ſaid fees. If there is a right, there " is a remedy; an *indebitatus aſſumpſit* will lie, " if the fee is certain, if uncertain, *a quantum* " *meruit*"—and in both inſtances, a jury is to be judge. From hence it may be collected, that when the fees claimed by the *old* and *conſtitutional officers* were *unaſcertained* recourſe was had to a jury, that their verdict might aſcertain them. When fees are due to old officers, and not ſettled by the legiſlature, a jury only, upon the principles of our conſtitution, can ſettle them.

The uniform practice of the courts cannot eſtabliſh a doctrine inconſiſtent with thoſe principles. " If on " enquiry into the legality of a cuſtom, or uſage, " it appears to have been derived from an illegal " ſource, it ought to be aboliſhed; if originally inva- " lid, length of time will not give it efficacy"—It has been already noticed, that the authority exerciſed by the judges of ſettling *fees*, that is, of aſcertaining the *antient* and *legal fees*, in purſuance of a commiſſion iſſued by the king, on the addreſs of the houſe of commons, is very different from the authority new ſet up, of ſettling fees by proclamation, iſſued contrary to the declared ſentiments of the lower-houſe of aſſembly; if judges in this province may ſettle fees, becauſe the judges in England have ſettled them, in the manner above-mentioned, where was the neceſſity of aſcertaining fees by proclamation? Was it to influence, and guide the deciſion of our judges? If they have a right to exerciſe their own judgment in ſettling fees, in fact, in impoſing them, Why was a ſtandard held up by the ſupreme magiſtrate for their direction? In ſetting up that ſtandard, is it not notorious, that he was adviſed, and principally guided by the very man, who is moſt benefited by that illegal ſettlement? Notwithſtanding the miſrepreſented power of the Engliſh judges to regulate fees, and the different orders of the courts in Weſtminſter hall, for reſtraining the exaction of illegal fees, the encroaching ſpirit of office had rendered all the precautions of the judges ineffectual; inſomuch, that the commons in the year 1730 were obliged to take the matter under their own conſideration. I mentioned in a former paper that tranſaction. In conſequence of the enquiry—a report was made by the committee in 1732 to the houſe of commons, from which I gave ſome extracts in my firſt anſwer to Antilon. It appears from the report, " That orders had " been ſometimes made for the officers to hang up " publickly liſts of their fees, moſt of which liſts are " ſince withdrawn, or have been ſuffered to decay and " become uſeleſs; that the officers themſelves ſeemed " often doubtful what fees to claim, and *moſt of them* " relied upon no better evidence than ſome informa- " tion from their predeceſſors, or the deputies of their " predeceſſors, that ſuch fees had been demanded, " and received"—it is hereby evident, that the regulation of officers fees had been long neglected, that in conſequence of ſuch neglect, exceſſive abuſes had crept into practice, and had grown from length of time into a kind of eſtabliſhed rights; that a thorough diſcovery and reformation of thoſe abuſes required more time and attention, than the commons could ſpare from more important objects. As well might they have attempted to cleanſe the Augean ſtables, a work, which the ſtrength only of a Hercules could accompliſh; diſguſted with the tedioufneſs and intricacy of the inquiry, they probably choſe to refer the correction of abuſes to the judges, men of integrity, and beſt acquainted with the practices of their own officers, and of courſe, beſt qualified to reform them. It is aſſerted by Antilon that the legiſlative proviſions do not extend to any conſiderable proportion of the fees of officers and therefore, that by far the greateſt part of officers, fees hath been ſettled by allowance of the courts, and not by ſtatutes—this fact may be admitted, and the inference he would draw from it be denied; that judges have allowed fees to their officers in the laſt inſtance, without the intervention of a jury to aſcertain them. If the judges have acted thus, they have certainly aſſumed a power contrary to the petition of right, contrary to this firſt and moſt eſſential principle of the conſtitution, " that the ſubject ſhall not be " compelled to contribute to any tax, tallage, aid, or " *other like charge*, not ſet by common conſent in par- " liament"—All levies of money from the ſubject, by way of loan, or benevolence, are alſo cautiouſly guarded againſt by the petition of right. The very *putting* or *ſetting* a tax on the people, though not levied, has been declared illegal; even a *ſalutary* impoſition on merchandize *granted* by the merchants, without the approbation of parliament, gave umbrage to the commons, was cenſured and condemned. " This impo- " ſition though it were not ſet on by aſſent of par- " liament, yet it was not ſet on by the *king's abſolute* " power, but was granted to him by the *merchants* " *themſelves*, who were to be charged with it. So the " *grievance* was the *violation* of the *right* of the people " in *ſetting it on* without *their aſſent*, not parliament, nor " the *damage*, that grew by it, for that did *only touch* " *the merchants*, who could *not juſtly complain thereof*, " becauſe it was their *own act and grant*"——Petyt jun. parliam. page 368, 369.——A tax may be defined a rate, ſettled by ſome publick charge, upon lands, perſons, or goods. By the Engliſh conſtitution the power of ſettling *the rate* is veſted in the parliament alone, and in this province in the general aſſembly.

Repreſentation has long been held to be eſſential to that power, and is conſidered as its origin; upon this principle the houſe of commons, who repreſent the whole body of the people, claim the excluſive right of framing money bills, and will not ſuffer the lords to amend them. The regulation of officers fees in Maryland has been generally made by the aſſemblies. The authority of the governor to ſettle the fees of officers, has twice only, as we know of, interpoſed, but not then, without meeting with oppoſition from the delegates, and creating a general diſcontent among the people, a ſure proof, that it has always been deemed dangerous, and unconſtitutional. The fees of officers, whether impoſed by act of aſſembly, or ſettled by proclamation, muſt be conſidered as a publick charge, rated upon the lands, perſons, or goods of every inhabitant holding lands, or poſſeſſed of property within this province. That they have been looked upon as ſuch by the officers themſelves, is evident, from their lodging liſts of their reſpective fees with the deputies from this province, to the congreſs at New-York, who might thereby be enabled to make known to his majeſty, and to the parliament, the great expence of ſupporting our civil eſtabliſhment. The author of the conſiderations once entertained the ſame idea, but ſuch is the verſatility of his temper, ſuch his contempt of conſiſtency, that he changes his opinions, and his principles, with as little ceremony as he would change his coat. Speaking of the ſundry charges on tobacco —" The planter (ſays he) pays a tax, at leaſt, equal " to what is paid by any farmer of Great-Britain poſ- " ſeſſed of the ſame degree of property, and moreover " the planter muſt contribute to the ſupport of the " *expenſive internal government of the colony*, in which he " reſides." Now, the ſupport of civil officers, unqueſtionably conſtitutes a part of that expence—he then refers to the appendix, where we meet with the following note.

" The attentive reader will obſerve, that the neat " proceeds of a hogſhead of tobacco at an average are " 4 £. and the taxes 3 £. together 7 £.—Quere—how " much per cent does the tax amount to which takes " from the two wretched tobacco colonies 3 £. out of " every 7 £.—and how deplorable muſt their circum- " ſtances appear when their vaſt debt to the mother " country and the *annual burthen of their civil eſtabliſh-* " *ments* are added to the eſtimate."

Impreſſed with the ſame idea were the conferrees of the upper houſe in the year 1771. In their meſſage of the 20th of November they aſſert—" Publick [illegible] " were doubtleſs erected for the benefit of the commu- " nity, and for the ſame purpoſe are emoluments given " to ſupport them." All taxes whatever are ſuppoſed to be impoſed, and levied for the benefit of the community. If then fees are taxes, *or ſuch like charge*, it may be aſked, how came parliaments to place ſuch confidence in the judges, as to ſuffer them to exerciſe a power, of which thoſe aſſemblies have always been remarkably tenacious, and which is competent to them only? I might anſwer this queſtion by aſking another; how came many unconſtitutional powers to be exerciſed by the crown, and ſuffered by parliament? for inſtance, the diſpenſing power—the anſwer is obvious; it required the wiſdom of ages, and the accumulated efforts of patriotiſm, to bring the conſtitution to its preſent point of perfection; a thorough reformation could not be effected at once; upon the whole the fabrick is ſtately, and magnificent, yet a perfect ſymmetry, and correſpondence of parts is wanting; in ſome places, the pile appears to be deficient in ſtrength, in others the rude and unpoliſhed taſte of our Gothic anceſtors is diſcoverable—

———" hodieque manent veſtigia ruris."

It does not appear in what inſtances, upon what occaſions, and in what manner, the judges have allowed fees to their officers—that is, have permitted them to take fees, not before ſettled by law, uſage, or the verdict of a jury. The power if concluſive on the ſubject, and if exerciſed in the manner explained by Antilon, is unjuſtifiable, and may be placed among thoſe contradictions, which formerly ſubſiſted in the more imperfect ſtate of our conſtitution, and of which, ſome few remain even unto this day. How it came to be overlooked by parliament, may perhaps be accounted for ſomewhat after this manner. The liberties, which the Engliſh enjoyed under their Saxon kings, were wreſted from them by the Norman conqueror; that invader intirely changed the ancient conſtitution by introducing a new ſyſtem of government, new laws, a new language and new manners. The conteſts, which ſome time after enſued between the Plantagenets, and the barons, were ſtruggles between monarchy, and ariſtocracy, not between liberty, and prerogative; the

(A) If ſuch ſettlement implies a diſcretionary power in the judges to fix the preciſe rates to be paid to their officers, when they are not fixed by ancient uſage, the verdict of a jury, or by act of parliament.

(B) I ſay intended, becauſe the ſettlement by proclamation being illegal, is in fact no ſettlement.

(C) See the governor's anſwer to the addreſs of the houſe of delegates in 1771.

common people remained in a state of the most abject slavery; a prey to both parties, more oppressed by a number of petty tyrants, than they probably would have been by the uncontrouled power of one. Towards the close of the long reign of Henry the 3d, we meet with the first faint traces of a house of commons; that house, which in process of time became the most powerful branch of our national assemblies, which gradually rescued the people from artful cruelty, as well as from regal tyranny, to which we owe our present excellent constitution, derived its first existence from an usurper *(D)*. Edward the first has merited the appellation of the English Justinian by the great improvements of the law; and wise institutions made in his reign. He renewed, and confirmed the great charter, and passed the famous statute, de tallagio non concedendo, against the imposition of, and levying taxes without consent of parliament. Within the meaning of which act, says Coke, are *new* fees annexed to *old* offices. Have any new fees been annexed to old offices since that period by the sole authority of the judges? or have they increased the old and established fees? if either, they have certainly acted against law. If Coke was of opinion, that the judges had a discretionary power to settle the fees of old offices, it is most surprizing he did not intimate as much in his comment on this statute, so often quoted. He not only ought to have declared his opinion on that occasion, but also to have shewn the difference between a settlement of fees due to old and constitutional offices, and the annexing new fees to old offices. I believe it would have puzzled him, as much as it has Antilon, to shew the difference; in reality, there is none, they are but different names for the same thing. Although the necessities of Edward, and the exigency of the times, forced him to submit to those limitations of prerogative, he frequently broke through them; from whence we may conclude, that publick liberty was imperfectly understood in that rude and unlettered age, and little regarded by a prince impatient of restraint, and fond of arbitrary power, though inclined to dispense equal justice among his subjects. The fatal catastrophe of his son, and the causes which occasioned it, are well known. In those times of discord and distraction, the greatest enormities were committed by the very men, who under a pretence of reforming abuses, sought to promote their own power.

Equally unfortunate, and equally unfit for improving the constitution, was the reign of Richard the 2d. Hume teaches us what idea we ought to form of the English government under Edward the 3d——"Yet, "on the whole it appears that the government at best "was only a barbarous monarchy, not regulated by "any fixed maxims, nor bounded by any certain undisputed rights, which were in practice regularly "observed. The king conducted himself by one set "of principles, the barons by another, the commons "by a third, the clergy by a fourth; all these systems "of government were contrary and incompatible; "each of them prevailed according as incidents were "favourable to it."

This short historical deduction may seem foreign to my subject, but it really is not.

The frequent and bare faced violations of laws favourable to the people, the pardoning offences of the deepest dye, committed by men of the first distinction, or the inability to punish the offenders, the corruption and venality of the judges, all tend to discover that practices as subversive of liberty, as a discretionary power in the judges to impose fees, went unnoticed, or remained unredressed.

From the deposition of Richard the 2d to the battle of Bosworth, the English were continually involved in wars, foreign, or domestick. Silent inter arma leges.

We may presume, during that period, the courts of justice were but little frequented, and the business transacted in them inconsiderable; from whence we may infer, that the rules of practice, and orders established by the judges in their courts being slightly known to the nation at large, escaped the notice of parliament, in a time of general poverty, and confusion. Frequent insurrections disturbed the peace of Henry the 7th. The first parliament of his reign was chiefly composed of his creatures, devoted to the house of Lancaster, and obsequious to their sovereign's will. The 2d parliament was so little inclined to inquire into abuses of the courts of law, or into any other grievances, that the commons took no notice of an arbitrary taxation, which the king a little before their meeting, had imposed on his subjects. His whole reign was one continued scene of rapine and oppression on his part, and of servile submission on that of the parliament. "In vain (says Hume) did the people look "for protection from the parliament; that assembly "was so overawed, that at this very time, during the "greatest rage of Henry's oppression, the commons "chose Dudley their speaker, the very man, who "was the chief instrument of his oppressions." Henry the 8th governed with absolute sway; parliaments in that prince's time, were more disposed to establish "tyranny than to check the exercise of unconstitu-"tional powers *(E)*. During the reigns of Edward the 6th, Mary and Elizabeth, these assemblies were busily engaged in modelling the national religion to the court standard; their obsequiousness in conforming to the religion of the prince upon the throne, at a time, when the nation was most under religious influence, leaves us no room to expect a less compliant temper in matters of more indifference.

In truth; under the Tudors, parliaments generally acted more like the instruments of power, than the guardians of liberty.

The wise administration of Elizabeth made her people happy; commerce began to flourish, a spirit of industry, and enterprize seized the nation; it grew wealthy, and law, the usual concomitant of wealth, increased.

"In the 40th year of her reign, a presentment upon "oath of 35 persons for the better reformation of "undry exactions and abuses supposed to be committed "by the officers, clerks, and ministers in the high "court of chancery was shewed to the committee." (appointed by the house of commons in 1739, to inquire into the abuses of the courts of law and equity) "by which presentment it plainly appeared, who were "the officers of the court at that time and what were "their legal fees." It appears from the same report, that the officers of the court of chancery had exceedingly increased, since the 40th of Elizabeth to that time, by patents and grants, and in consequence, I suppose of the increased business of the court. It likewise appears from the report aforesaid, that commissions had frequently issued in former times to inquire into the behaviour of the officers in the courts of justice, with power to correct abuses. The enrolment of two such commissions in the reign of James the 1st, and four in the reign of Charles the 1st, were produced to the committee, but they certify, that no such commission had issued since the restoration.

During the reign of Charles the 2d, parliaments were assiduously employed in composing the disorders consequent on the civil wars, healing the bleeding wounds of the nation, and providing remedies against the fresh dangers, with which the bigotry and arbitrary temper of the king's brother threatened the constitution. Since the revolution parliaments have relaxed much of their antient severity, and discipline. Gratitude to their great deliverer, and a thorough confidence in the patriotic princes of the illustrious house of Brunswick have banished from the majority of those assemblies, all fears and jealousies of an unconstitutional influence in the crown. Parsimonious grants of publick money have grown into disuse; a liberality bordering upon profuseness has taken place of a rigid and austere œconomy; complacence and compliment have succeeded to distrust, and to parliamentary inquiries, into the conduct, and to impeachments of *ruling ministers*. While parliaments continue to use this unbounded confidence in his Majesty's servants, we must not expect to see them very solicitous to lessen the profits of officers appointed by the crown. Political writers in England, have complained bitterly of the vast increase of officers, placemen, and pensioners, and to that increase have principally ascribed an irresistable influence in the crown over those national councils. Will any impartial man pretend to say that these complaints are altogether groundless? exaggerated they may be. Let us, my countrymen, profit by the errors and vices of the mother country; let us shun the rock, on which there is reason to fear, her constitution will be split.

The liberty of Englishmen, says an admired writer, can never be destroyed but by a corrupt parliament, and a parliament will never be corrupt, if government be not supplied with the means of corrupting; among these various means, we may justly rank a number of lucrative places in the disposal of the crown.

(D) Simon Montfort earl of Leicester. Vide xii volume parliamentary history.

(E) An act was passed in his reign to give proclamations the force of laws.

(F) A member of the house of commons speaking on this very subject, before the house, expressed himself in the following manner. "But the crown having by some means or other got into its possession "the arbitrary disposal of almost all offices and places, "ministers soon found that the more valuable those "offices and places were, the more *their* power would "be extended; therefore, they resolved to make them "lucrative as well as honourable, and from that time "they have been by degrees increasing not only the "number of offices and places but also the profits and "perquisites of each. Not only large salaries have "been annexed to every place or office under government, but many of the officers have been allowed "*to oppress the subject by the sale of places under them,* "*and by exacting extravagant and unreasonable fees,* "which have been *so long suffered*, that they are now "looked upon as the *legal perquisites* of the office. nay, "in many offices they seem to have got a *customary* "*right* to defraud the publick, and we know how "careful some of our late ministers have been to *pre-*"*vent* or *defeat any parliamentary inquiry into the conduct* "*and management of any office*." I am inclined to think that some of our former assemblies foresaw the great power, which the offices established in this province for the furtherance of justice, and administration of government, would sooner or later throw into the hands of the persons invested with those offices; a little foresight might have discovered, that their incomes would increase amazingly with the rapid increase of population, trade, and law. Aware of the danger they wisely determined to provide a timely remedy, and fell upon the true, and only expedient, by passing temporary laws for the limitation of officers fees, not by delegating that most important trust to judges removeable at pleasure, liable to be swayed, perhaps disposed to overlook the evil practices of their officers, and even to countenance "the *new invented and co-*"*lourable charges of combined interest and ingenuity*." I have mentioned the great abuses, which had infected the courts of justice in England, the methods there pursued to correct them, and to prevent the exaction of *new* and illegal fees, and the long interruption of those methods, or inquiries.

The grievance had become so intolerable that the commons were at last forced to take cognizance of it themselves; from the necessity of their interposition, either a neglect in the judges to reform abuses, or a want of power is deducible; and hence this other inference may be drawn, that a law, limiting the fees of officers, is the best method of preventing their encroachments and illegal practices. Notwithstanding the late law many abuses had been committed by officers in the manner of charging their fees under that law. These abuses, if the proclamation should be enforced, will continue, and go on increasing till they become insupportable to a free people, or the people be enslaved by a degenerate and abject submission to that arbitrary exertion of prerogative.

The necessities of the English kings, which constrained them to have frequent recourse to parliamentary aids, first gave rise to, then gradually secured the liberty of the subject.

In this colony, government is almost independent of the people. It has nothing to ask but a provision for its officers, if it can settle their fees without the intervention of the legislature, administration will disdain to owe even that obligation to the people. The delegates will soon lose their importance, government will every day gain some accession of strength, we have no intermediate state to check its progress, the upper house, the shadow of an aristocracy, being composed of officers dependent on the proprietary and removable at pleasure, will, it is to be feared, be subservient to his pleasure and command.

I shall now proceed to examine Antilon's answers to my former arguments against the power of regulating fees by proclamation.

The whole force of his first answer, depends on the revival of the authority, which he contends existed before the enaction of the temporary laws; if that authority is illegal, it did not exist, and consequently could not revive. The reasons already alleged prove the illegality.

2d Answer. "Parliament may have peculiar mo-"tives, &c. &c." Parliament, it is true, may have many motives for setting fees in various instances. To preclude a discretionary power in the judges, incompatible with the spirit of our constitution, and to obviate the inconveniences resulting from uncertainty, and endless litigation, should induce parliament to settle the fees in every instance. The notion of the judges and the parliament having a co-ordinate power which might clash, was never entertained; from the absurdity of two co-equal powers subsisting in the same state, a subordination of the judges to parliament was inferred; but if mercenary officers, or an artful intriguing minister, by obstructing a legislative regulation of fees, may leave the power of the judges uncontrouled by parliament, and at liberty to act, then do I insist, that the authority of parliament to regulate fees may be rendered altogether useless and nugatory.

3d Answer. "I might in my turn suppose, &c. &c." Thus may the most insolent, or ignorant, and contemptible minister, that ever disgraced a nation, or hurt a prince, suppose every opposition to his measures flows from similar motives. I argue not upon supposition, but from facts. The arrangement of fees was unequal, therefore unjust. A planter paid 20s for the same service, which cost the farmer only 10s.

To place all the subject on equal footing was doing equal justice to all; it was bringing back the law to its true spirit and original intent. Abuses had crept into practice, owing either to design, or to a misconception of the act, or to a doubtfulness of expression; among others, fees were often charged for services not done; the delegates attempted to reform those abuses, and to lessen the rates where excessive; in this laudable attempt they were disappointed by the obstinacy and selfishness of men, who made themselves judges of their *own merits*, and *own rewards*. I agree with Antilon; "That our constitution may be much improved by "altering the condition of our judges, by making "them independent, and allotting them a liberal in-"come"—But I fancy the delegates would disagree with him about the means. They perhaps would propose to lessen the exorbitant income of an inferior officer, who does little to deserve it, who grows more insolent as he grows more wealthy, and by a reduction of fees annexed to his, and to other offices not attended with much trouble, they would probably endeavour to make such savings, as might enable them to allow the judges a genteel salary without loading the people with any considerable additional charge.

Another very great improvement might be made in our constitution, by excluding all future secretaries, commissaries general, and judges of the land office from the upper-house; till that event takes place, we may despair of seeing any useful laws pass, without some disagreeable task to them, should they clash with their particular interests. Those officers have long been connected with the law for the regulation of our staple, a law of the most salutary and extensive consequence to the community, and which has hitherto been purchased by a particular attention to their interests, and a deference to their demands, as impolitic as unaccountable in the representatives of a free people.

4th Answer. A great part of this answer has been already obviated. It has been noticed, that the excessive exactions so much talked of, and so much dreaded by our *merciful minister*, are mere bugbears. Freemen are not to be terrified with visionary fears, over solicitude to protect us from imaginary dangers, and a strong inclination discovered at the same time to pick our pockets, look a little like mockery. Fees being taxes; to impose them on the subject by proclamation, was as illegal as to levy ship money by proclamation. The design of the two measures was nearly the same.

Charles wanted to raise money without a parliament, and our upstart minister wanted to provide for himself and his brother officers without an act of assembly, as the delegates would not provide for him, and in a manner suitable to their wishes. Was not the legality of the ship money assessment cognizable in the ordinary judicatories? Did it not receive the most solemn sanction? The sanction of eight judges out of twelve? You still remain, Mr. Antilon, of the low evasive cunning of a pettifogger.

"Quo semel est imbuta recens, servabit odorem
"Testa diu."

5th Answer. "When fees are not ascertained by law, "the verdict of a jury must ascertain them, were it to "ascertain whether a fee was illegal, that fee ought, "by statute to include them in the costs; the necessity

therefore of fixing the rates of fees, either by proclamation, or by the allowance of the judges, is a *pretended* and *falſe* neceſſity; conſequently not *urgent* and *invincible*. If ſuch a neceſſity really exiſts when there is no legiſlative regulation of fees, it was foreſeen in 1770, and ought to have been guarded againſt by paſſing an act of aſſembly for ſetting the rates. The *pretended* neceſſity therefore aggravates *their* crime, who from a mercenary motive prevented a regulation by law. The famine, which occaſioned the embargo, was not a *ſudden and peculiar neceſſity*; it was apprehended long before it was felt; parliament might have been aſſembled, it's advice taken, and a law paſſed to enable his majeſty to lay the embargo. The miniſters were blamed for not calling the parliament in proper time, and the *neceſſity* of acting againſt law flowing from *that neglect*, was urged as *their* accuſation, not their excuſe. Although the queſtion "*whoſe fault* "*was it that a legiſlative regulation did not take place*"—be not determinable in any juriſdiction or by any legal authority, yet, has a diſcerning publick already decided it, and has fixed the blame on the proper perſon. Although he cannot be puniſhed by the ſentence of any ordinary judicature, yet might he be removed from office, on application made to the governor by the delegates of the people. Encomiums on the diſintereſtedneſs of officers, and cenſures of ſome obnoxious members, in fact, of the whole lower-houſe, come with peculiar propriety and decorum from a man, who is an officer, and was particularly levelled at in the ſpirited and patriotic reſolves of that houſe. It might have given ſatisfaction to *many* to have had the regulation of the clergy and officers eſtabliſhed on the terms once propoſed by the upper-houſe; but this ſatisfaction would not have reſulted from a conviction, that the terms offered were juſt and advantageous to the publick, but from a deſpair of obtaining better; if this deſpair ſhould become general, the cauſe of the publick muſt yield to the intereſt of a few officers. Diſgraceful, and afflicting reflection! Not a ſingle inſtance can be ſelected from our hiſtory of a law favourable to liberty obtained from government, but by the unanimous, ſteady, and ſpirited conduct of the people. The great charter, the ſeveral confirmations of it, the petition of right, the bill of rights, were all the happy effects of *force* and *neceſſity*.

I am not ſurprized that Antilon's reſentment ſhould be directed againſt a man, who has publickly ſpoke ſome very home truths. The wit and verſes borrowed from Horace cannot deſtroy the evidence of facts. I am reſtrained by the limits of this paper from deſcanting on the merits of ſub-oratory; it has its uſe, and abuſe, like moſt other inſtitutions, and is not ſo prejudicial to characters attacked, as the whiſpered lye, the dark hint, and jeſting ſtory told with a ſting at the end of it. I know a perſon, who has an admirable knack at defamation in this ſly, oblique, inſinuating manner; he has ſtabbed many a reputation with all the appearance of feſtivity *and good humour*; in the midſt of gaiety, in the ſocial hours of convivial mirth, malice preys inwardly on his ſoul; ſometimes he is given to deal in the marvellous, to captivate the attention of his *admirers*—(generally fit tools for him to work with) and to leave on their minds a lively impreſſion of his own conſequence. Surrounded by a group of theſe creatures, he will now and then recount moſt wonderful wonders! "*Reciſcia mirabili*," celebrate his own feats, proweſs, and hair breadth eſcapes, in ſhort forge ſuch monſtrous improbabilities, as would ſhock the faith of the moſt credulous jew.

They liſtening, gape applauſe.
"Conticuere omnes, intentique ora tenebant."

Anſwer 6. Rules or ordinances reſpecting the practice of the courts may be made without any danger of prejudging queſtions of law. "Judges have been called upon in council to adviſe their ſovereign *on* "*queſtions of law*"—true—and in conſequence of their advice, pernicious meaſures have been frequently purſued by ſovereigns—witneſs, the proclamation for levying ſhip-money, the diſpenſing power, and others equally unconſtitutional. Theſe examples ſhould make judges very careful how they adviſe their ſovereign; for bad advice they are amenable to parliament, and ſome of them have been puniſhed, for giving extra-judicial and unconſtitutional opinions. "Expedit reipublicæ "ut ſit finis litium." "Miſera eſt ſervitus ubi jus "eſt vagum"—are ſentiments truly liberal and uſeful; equally ſo, are theſe—*a free conſtitution will not endure diſcretionary powers, but in caſes of the moſt urgent neceſſity. The property of Engliſhmen is ſecured by the laws, not left to depend on the will of the ſovereign, or of officers appointed by him.* There is an impropriety in adviſing meaſures tending to the immediate benefit of the *adviſers*. Self-intereſt may warp the judgment of the moſt upright; hence, the maxim, "no man ought "to be a judge in his own cauſe." The adviſers of a meaſure as *legal* and *expedient* will probably remain of the ſame opinion when they come to determine on its legality in their judicial capacity. Should the queſtion be brought before the court of appeals, ought the officers, who are deeply intereſted in its deciſion, to ſit as judges? If it would be unjuſt in them to *judge* of the legality of the proclamation, there was ſurely ſome impropriety in *their adviſing* it. The chancellor in all cauſes of intricacy is adviſed by an aſſiſtant, whoſe opinion would not, I preſume, be aſked, if intereſted in the ſuit. Should a bill be filed againſt the uſual aſſiſtant, for inſtance, by a Dutchman, could he be ſo inſenſible, as not to diſcover ſome anxiety at ſeeing his adverſary in the capacity of an adviſer, directing and guiding the opinion of the judge? Would not the impropriety ſtrike even a Dutchman? Would he not have great reaſon to ſuſpect an unfavourable degree? Had there been an open rupture, a declared enmity, which ſtill ſubſiſted between the aſſiſtant, and one of the parties to a chancery ſuit, and notwithſtanding the aſſiſtant ſhould diſcover an inclination to act in his uſual capacity, would not his conduct raiſe indignation in every honeſt mind? Reader make the application.

Anſwer 7. "The governor was not to be directed "by the votes of the majority of the adviſers, they "having no authoritative influence"—on a former occaſion we *were* told—"there can be no difficulty in "finding out his (the kings) miniſters, the governor "and council are anſwerable in this character." If the governor is not to be directed by the advice of his council, Why ſhould they be anſwerable for their advice? He, by adopting the *meaſures* adviſed makes it *his own*—becauſe he uſes his *own* manly judgment, the advice of the council can have no authoritative influence over him, and therefore according to Antilon's latter opinion, contradicted by his former, the governor muſt take the whole blame upon himſelf. Oh unſuſpicious Eden! How long wilt thou ſuffer thyſelf to be impoſed on by this deceiving man? "The fee for the ſeals was the ſame in all the propoſ-"ed regulations;" and none of them have the leaſt efficacy, wanting the ſanction of law. To exact fees under the ſettlement of the new table, propoſed by the lower-houſe, would be equally unlawful; though not ſo dangerous, as to exact them under the ſettlement by proclamation—"*the governor receives his fees now*" —and receives them inſtantly, and will not do the ſervice without immediate payment. The practice may become general, and the good natured eaſy people of Maryland, will, I dare ſay—ſubmit to it without reluctance or murmuring.

Anſwer 8. Antilon has admitted that he concurred with the reſt of the council in adviſing the proclamation as *expedient* and *legal*—he has ſince juſtified it—as *a neceſſary unavoidable act*. It is not the firſt time that "*expediency* has covered itſelf under the appearance of "*neceſſity*."

From whence does Antilon infer this neceſſity? "The judgment or decree, ſays he, awarding the "coſts muſt *neceſſarily* be *preciſe*"—but the judgment cannot be *preciſe*, unleſs the officers fees, which conſtitute part of the coſts be ſettled; if not ſettled by a law, they muſt be ſettled by *ſome other authority*—and therefore he concludes they muſt be ſettled by proclamation —Why not by the verdict of a jury? Endleſs litigation, it is anſwered, would enſue from that method of ſettlement. A much greater miſchief I reply—would reſult from the other; charges would be ſet, and levied on the people without, nay, againſt the conſent of their repreſentatives. Between two ſuch evils, What choice have we left? The choice of the leaſt. Hard indeed is the fate of the province to be reduced to ſuch extremity, that *ſome officers* may enjoy great incomes for doing little. The ſecretary's office is a mere *ſinecure*—yet has he had the aſſurance to aſk a net income of £. 600 ſterling per annum to *ſupport his dignity*. To hear Antilon talk in this ſtrain is enough to rouſe the indignation of apathy itſelf; but indignation ſinks into contempt, the moment we reflect on the *farcical dignity* of the man.

Anſwer 9. The fees ſettled by proclamation have been proved a charge upon the people; now the ſetting a charge upon the people without the conſent of their repreſentatives, *is a meaſure ſtriking at the root of all liberty*. Antilon has endeavoured to juſtify the meaſure by precedents. The precedents he has produced do not in the leaſt apply. The ſettlements of fees made by the judges appear to have been merely authentications of the *uſual* and *antient* fees. The long diſuſe of inquiries into the conduct of officers gave them an opportunity of exacting *new* and *illegal* fees; the grievance was ſuffered to run on ſo long, that at laſt it became difficult to diſtinguiſh the *new* and *illegal*, from the *antient* and *legal* fees. The fees ſo certified by the judges, were to be deemed *antient fees*; to facilitate their ſcrutiny—"juries of officers and clerks "were impanelled to inquire, what fees had been "uſually taken by the ſeveral officers, for the ſpace of "30 years laſt paſt," on a ſuppoſition, I preſume, that fees, which had been paid for ſo long a time, were probably *antient fees*.

The judges therefore, I conceive, did not ſettle in that inſtance the rates of fees, but certified what were the rates *heretofore ſettled*.

With us, the rates of fees were not ſettled: the delegates did not requeſt the governor to iſſue a commiſſion to the judges to fix the rates; they remonſtrated againſt the apprehended exerciſe of the unconſtitutional power of ſettling them by his ſole authority. I hope it has been proved, that if the judges ſettled, that is, impoſed fees, *not before ſettled*, they acted againſt law and conſequently *wrong*, and therefore, "*if what has been done be wrong, it confers no right to* "*repeat it.*" To eſtabliſh which axiom the conſiderations were cited. I have known you, Antilon, long enough to form a true judgment of your character, and I have exhibited a true picture of it to the publick; an intimacy I have cautiouſly avoided, as dangerous, and diſreputable. The frequent repetition of the word "*Barber*" in all your papers, makes me ſuſpect ſome concealed wit or joke; perhaps it may be founded on the production of *your fertile invention*; pray diſcloſe it—I will add it to the catalogue; you underſtand me.

Anſwer 10. The fees allowed to the petitioning ſheriffs by an order of council of the 13th of July, 1735 had, it ſeems, been omitted in the proclamation iſſued 1733, and ſuch fees only thus omitted as had been ſettled by *any act* of aſſembly or *eſtabliſhed* by any former order of council were allowed: fees allowed by ſuch orders of council, cannot, perhaps, with ſtrictneſs, be called increaſed fees, unleſs the former rates were increaſed, but the reaſons already aſſigned, demonſtrate they are *new fees*. Had theſe ſervices, to which fees were annexed by a ſubſequent proclamation, been totally omitted in all former orders of council and temporary acts, would ſuch allowance of fees have been lawful or not? If lawful, it is plain, fees would in that caſe have been increaſed, being annexed to ſervices never before provided for—If unlawful, it ſhould ſeem, that the power, which at the original creation of conſtitutional offices, might have annexed a fee to every ſervice then enumerated, would be concluded, and might not annex fees to ſervices not then enumerated, though actually performed by the officers; ſo that, whether an officer may lawfully receive a fee, does not depend on his doing a ſervice, but on that ſervice having been enumerated, and having had a fee annexed to it in the firſt ſettlement, or table of fees; but if under a right to receive fees co-eval with the inſtitution of conſtitutional offices, the king or his deputies may ſettle fees, that is, aſcertain what fee an officer ſhall take for doing a ſervice, not having a ſettled or known fee annexed to it, then may government increaſe *ad libitum* the amount of officers fees. Ingenuity will point out many ſervices performed by old officers, that have no *ſettled fees* annexed to them, and the right to receive *ſuch fees* being old and conſtitutional; the ſettlement of *ſuch*, cannot according to Antilon's doctrine, be deemed an annexation of *new fees* to old offices.

Anſwer 11. "When the governor in 1692 under-"took to regulate fees, there was an act of aſſembly "for that purpoſe." The delegates did not object to the governor's undertaking to *regulate* fees, *becauſe they were already regulated by law*. If that had been the real cauſe of the objection they would have declared it, to have precluded at once all controverſy; but they objected upon this general principle—"that "it is the undoubted right of the freemen of this pro-"vince, that no officers fees ought to be impoſed on "them but by the conſent of the repreſentatives in "aſſembly"——To which general poſition the *governor agreed*. The delegates produced ſeveral acts of parliament to ſhew, that government could not ſettle the fees of officers by prerogative; but if they relied on the act of aſſembly then in force, why did they not cite it? Where was the neceſſity of citing acts of parliament to prove what was already moſt clearly decided in their favour by a poſitive and ſubſiſting law of the province?—The inſtances mentioned by Antilon of fees ſettled by proclamation prove only the actual exerciſe of an unlawful prerogative. The dangerous uſe which has ſo often been made of bad, ſhould caution us againſt the haſty admiſſion of even good precedents, which ſhould always be meaſured by the principles of the conſtitution, and if found the leaſt at variance, or inconſiſtent therewith, ought to be ſpeedily aboliſhed. "For millions entertain no other idea of the *legality of* "power, than that it is founded on the exerciſe of "power. *(G)* "There is nothing (ſaith Swift, hath "perplexed me more than this doctrine of prece-"dents; if a job is to be done," (for inſtance a proviſion to be made for officers) "and upon ſearching "records, you find it hath been done before, there "will not want a lawyer (an Antilon) to juſtify the "legality of it, by producing his precedents, without "ever conſidering the motives and circumſtances that "firſt introduced them, the neceſſity, or turbulence, "or iniquity of the times, *the corruption of miniſters*, or "the arbitrary diſpoſition of the prince then reign-"ing."

Anſwer 12. "It is not probable the fees of ſome "officers will in time exceed the governor's income." Such an event is moſt probable. The governor's fees as chancellor, fall far ſhort of the regiſter's fees for recording the proceedings of the court, copies of bills, &c. The regiſter pays his deputy 40 or £. 50 a year, and pockets fees to the amount of 50,000 pounds of tobacco, diſcharged in money at 12/6 per hundred pounds. Except the marriage licenſes, all the other branches of the the governor's revenue will probably decreaſe, or continue in their preſent ſtate. The ſecretary's and commiſſary's fees muſt increaſe with the increaſe of buſineſs, the trouble and expence do not increaſe in proportion. The ſecretary has no trouble; the expence of this office is a mere trifle compared to his profits.

Having, at length waded through the argumentative part of my adverſary's laſt paper, I am now come to the paſſages more immediately addreſſed to myſelf; for, Antilon ſtill inſiſts that I have aſſiſtants, and confederates; fully, as my productions are, he will not allow me the demerit of being ſingle in my folly. Formerly I was accuſed of confidence, and ſelf conceit, now I am repreſented as begging from others, the little ſenſe contained in my laſt piece.

Antilon can reconcile contradictions, and expound knotty points of law, juſt as they may ſuit him.——

——"Veniet hic de plebe togatâ
"Qui juris nodos, et legum æniginato ſolvat."

You ſee, Sir, I take every opportunity of complimenting your abilities, ſomewhat at the expence of your integrity, I confeſs, but not of truth. The inſtitution, that, an unlimited confidence in a bad miniſter will be abſurdly abuſed—"*beſides the merit of being* "*true*," has this further merit; *the application of it to Antilon was juſt*. He denies in the moſt direct terms the pernicious influence aſcribed to him. The moſt notorious criminals ſo often eſcape, and ſo often plead guilty; the aſſertions of *one*, who has long ago forfeited all title to veracity, cannot be credited. I repeat the queſtions put to you in my laſt paper. Was the proclamation thought of by the whole council at the ſame inſtant? Who firſt adviſed that meaſure? Did you not privately inſtigate ſome member of the board to open the ſcene of action, while you lay lurking behind the curtain, ready to promote miſchief, though unwilling to be thought the *firſt mover*?

Matters of a publick concern are the objects of publick diſquiſition. When the real adviſers of a meaſure, from the ſecrecy of the tranſaction, are unknown, we muſt look to the *oſtenſible miniſter*; if the *known* character of the *man*, ſhould perfectly correſpond with the *meaſure* conduct, an aſſurance of the truth of the accuſation inſtantly ariſes in the mind, far ſuperior to the evidence grounded ſolely on his denial of the fact, and his moſt poſitive aſſeverations of innocence, or *confi-*

(G) Vide Pen. Farmer's 12th letter. *I recommend an attentive peruſal of that letter to my countrymen; it abounds with judicious obſervations, pertinent to the preſent ſubject, and expreſſed with the utmoſt elegance, perſpicuity, and ſtrength.*

detailed guilt. "*Many members of the council have always* "*openly avowed the part they took in the measure*"—and pray what part did they take? that is the very thing we all want to know. If they acted only a secondary part, if misled by your artful misrepresentations, and sophistical reasonings, they coincided with your opinion, not the least degree of blame can be imputed to them. "They have expressed their resentment at the indig-"nity of the imputation"—that imputation? that they were imposed on by your artifices? Are they the first, will they be the last, whom you have deceived? If any gentleman of the council has taken offence at what I have said, it must be owing, either to misapprehension, or to *your crafty suggestions*: I meant not to offend; it would grieve me

——"To make *one honest man* my foe."

You still carp at the maxim, "*The king can do no* "*wrong*;" or rather at the application of it to the governor; the publick, and you more than any one see the propriety of the application; the governor perhaps, when too late, may be sensible of it also, and wish that he had not placed a confidence, which he will hereafter discover has been abused, and may possibly give him many hours uneasiness. "*The Citizen* "*is a scribbler*," (says Antilon) "*haunted by envy and* "*malice*"—Antilon has been already called upon for his proofs; the truth of the accusation rests intirely on his *ipse dixit*, which is at least presumptive evidence, that the accusation is false. Why Antilon am I suspected of bearing you malice? Have you injured me? Your suspicion implies a consciousness of guilt. What should excite my envy? The splendor of your family, your riches, or your talents? I envy you none of these; even your talents upon which you value yourself most, and for which only you are valued by others, are so tarnished by your meannesses, that they always suggest to my mind, the idea of a jewel buried in a dunghill. As we agree in the essential point, that the revolution was both just and necessary, it is needless to say more on the collateral question, whether the abdication followed or preceded that measure; the dispute at best, is almost as insignificant as that about the words *abdicated*, and *deserted*, which disgraced the house of lords. That the national religion was in danger under James the 2d, from his bigotry and despotic temper, the dispensing power assumed by him, and every other part of his conduct clearly evince.

The nation had a *right to resist*, and to secure its civil and religious liberties. I am as averse to having a religion crammed down peoples throats, as a proclamation. These are my political principles, in which I glory; principles not hastily taken up to serve a turn, but what I have always avowed since I became capable of reflection. I bear not the least dislike to the church of England, though I am not within her pale, nor indeed to any other church; knaves, and bigots of all sects and denominations I hate, and I despise.

"For modes of faith let zealous bigots fight,
"His can't be wrong, whose life is in the right."
POPE.

"Papists are distrusted by the laws, and laid under "disabilities"——They cannot, I know, (ignorant as I am) enjoy any place of profit, or trust, while they continue papists; but do these disabilities extend so far, as to preclude them from thinking and writing on matters merely of a political nature? Antilon would make a most excellent inquisitor, he has given some striking specimens of an arbitrary temper; the first requisite.

He will not allow me freedom of thought or speech. The resolves of a former assembly against certain religionists have been compared to the resolves against the proclamation. I again repeat, the unprejudiced will discern a wide difference between those resolves, and the spirit which occasioned them; it would be no difficult task to shew the disparity, but I choose not to meddle with a subject, the discussion of which may rekindle extinguished animosities. The contemptible comment on the expression—"*We remember and will* "*forgive*," (scarcely deserves animadversion. "This," says Antilon, "is rather too much in the impersonal "stile." The Citizen did not deliver his sentiment only but likewise the sentiments of others, we catholicks, who think we were hardly treated on that occasion, we still remember the treatment, though our resentment hath intirely subsided. It is not in the least surprizing that a man incapable of forming an exalted sentiment, should not readily comprehend the force and beauty of one. My exposition of the document of Minucius, as applied by you, is warranted by the whole tenor, and purport of your publications. To what purpose was the threat thrown out of enforcing the penal statutes by proclamation? Why am I told that my conduct is very inconsistent with the situation of one, who "owes even the *toleration* he enjoys to the "favour of government?"——If by instilling prejudices into the governor, and by every means a deluded artifice you can rouse the popular resentment against certain religionists, and thus bring on a persecution of them, it will then be known whether the toleration I enjoy, be due to the favour of government, or not. That you have talents admirably well adapted to the works of darkness, malice to attempt the blackest, and meanness to stoop to the basest, is too true. The following lines convey an imperfect idea of your character:

——"Him, there they found,
"Squat like a toad, close at the ear of Eve;
"Assaying, by his devilish art, to reach
"The organs of her fancy, and with them
"Forge illusions, as he list."——from MILTON.

Impudence carried to a certain degree, excites indignation; pushed beyond it, becomes ridiculous. The Citizen's *scandalous misrepresentation* of Petyt is again insulted on. "*The Citizen referred to the last parliament* "*of James, for knew the book was in the hands of few.*" If in your hands it was sufficient; he knew you as exceedingly well inclined to unpack the misrepresentations ever upon the catch, and ready to lay hold of even mistakes and inaccuracies, and when acknowledged, fail to harp upon them. The crude notions of British polity, which Antilon in a former paper imputed to the Citizen, were quoted as the notions of Montesquieu, enlarged upon, and explained by the writer of a pamphlet on the privileges of the lower house of assembly in Jamaica; he was apprized thereof in my last paper, and he calls this explanation a *tiny creation*. The notions whether crude or not, were not the Citizen's; but I presume to assert, that so far from being *crude*, they are judicious, and discover a perfect knowledge of our constitution. "Hume's history is a stu-"died apology for the Stuarts, particularly of Charles "the first." Has the historian suppressed any material facts? If not, but has given an artificial colouring to some, softened others, and suggested plausible motives for the conduct of Charles, all this serves to confirm the observation, that an account may in *the main* be true, and not *entirely impartial*; the principal facts may be related, yet the suppression of some attendant circumstance will greatly alter their character and complexion. I asserted that the constitution was not so well improved, and so well settled in Charles's time, as at present. In answer to this, Antilon remarks, that the constitution was clearly settled in the very point infringed, by the levy of ship money. To this I reply, that the petition of right was only a confirmation of former statutes against the same unconstitutional power, which had been assumed by most preceding kings in direct violation of those statutes. To the imputation "*That you have always fathered your* "*mischievous tricks on others*"—you reply—"roundly "asserted, but what proof have you?"—sufficient to support the charge—the mask of hypocrisy, which you have worn so long, is now falling off; the peoples eyes are at length opened; they know the real author of their grievances; and *his efforts* to regain lost popularity will be ineffectual: once distrusted, he will ever remain so. A particular detail of all your *mean and dirty tricks* would swell this paper (already too long) to the size of a volume. I may on some future occasion entertain the publick with Antilon's cheats:

"Flebit, & insignis tota cantabitur urbe."

They would discredit even a Scapin, and therefore must not be blended with a question of this serious and general importance. You have said, "*You do not be-*"*lieve me to be a man of honour or veracity.*" It gives me singular satisfaction that you do not, for a man destitute of *one*, must be void of the *other*, and cannot be a judge of *either*. Your mode of expression, which in general is clear and precise, in this instance discovers a confusion of ideas, to which you are not often liable; but you have stumbled on a subject of which you have not the least conception.

"Verbaque provisam rem non invita sequentur.
"If once the mind with clear conceptions glow,
"The willing words in just expressions flow.

Honour, or *veracity*? Are they then distinct things? Do you imagine that they can exist separately? No, they are most intimately connected; who wants *veracity* wants *principle*, *honour* of course, and resembles Antilon.

FIRST CITIZEN.

A CARD.

MY compliments and best respects to Dr. Crispin, and would have lent him my aid some time ago, had not my attention been taken up with matters of greater importance; but as our political disputes are now likely to subside, and peace and tranquility again restored to this present convulsed province, hope my assistance at this time will greatly compensate for my past delay. Abruptness is a writer, I confess, is not strictly consistent with the rules of complaisance, but as you know me to be, as the saying is, a plain right-down man, you must not expect any flowers, or "*blossoms*" (the usual embellishments of our modern performance) from me, therefore shall proceed immediately to the point without ceremony.——And really, friend Crispin, you seem hardly grappled. Nevertheless, as I know you to be a man of masterly genius, doubt not, but from the art of "*scratching out*," or scratching in, you may extricate yourself from your late *beatings*, and by the force of *sound reason and argument* justify the unjustifiable.—Being a friend then as well to yourself as your little "*bark*," I would advise you to divert, and take off the publick attention, by a nice and refined criticism on words, places, times, &c. ——for admitting that Archbishop Laud was not hanged, cannot you to a demonstration make it appear by a *sight* that you did not dream of a rope. Admit accordingly, but a journeyman by name Seggib Manguin ej. din. tumble over a horseshoe, cannot you from proofs, vouchers, &c. make it appear it was over a stool bar.—Admitting you did "*write a letter to friend* "*since deceased*, cannot you prove it to have been wrote from a willing readiness to serve your friends, and not from lucrative views, as you had only one shilling to board.—Admit Mess. J——— and C—— did not see those "*papers, proofs and vouchers*," &c. that would like lightning instantly "*flash conviction*," cannot you impute it to their want of conception and over-ruling modesty, &c. or what will still be of more weight, that one of them cannot claim the honour of an American birth.—And suppose you cannot support the charges, &c. against Mr. W——, cannot you bestow on him many opprobrious and defamatory epithets, for daring to persist in his innocence—Cannot you, I say, friend Crispin, do all these things? I know your great abilities were formerly adequate to the task, but how far they may be impaired by these late unfortunate "*strokes*," I will not undertake to determine. What! Not one single act of honour or probity through life—'tis pitiful, 'tis wondrous pitiful indeed; turn up those amiable perfections which so plentifully bedeck your noble breast of the——[illegible] that your accomplished and gentle-hearted wife, in the Chancery office—that Sir, will be a balsam upon your wounded fame, and must for ever wipe away any imputation of the want of honour; then you kill two birds with one stone, for a man of honour is surely a man of probity. I implore you then, by the sacred, by all the ties of my service can express, once more to exert my noble self, throw by thy pen and pincers, and resume thy plectrum to the lyre, become again the object of perfection, and suffer not the honour of thy function to be tarnished.——And hark you—as your future actions let honesty be thy cloak and truth thy safeguard, for policy is become a poor shield of late; the butcher will come home broke at last—and be sure you never again allege without a "*voucher*," for when a person is once proved guilty, he ever after becomes suspected.

Upper-Marlboro', June 29, 1775. From thy friend, A BARBER.

ON A LATE DIVISION.

"'TIS strange, in faith, 'tis passing strange,
To see how Things will alter,
How Men do hate to see the Change,
—A PATRIOT turn *Defaulter*!

The SPIDER wont, as *Spiders* are,
To draw in Flies by D——n,
Into his Net, tho' spread with Care,
His Flies no longer screens.

The flimsy Toils were spread in vain,
The Swarm to entangle and bind;
How chang'd are Things!—For, all remains,
Save *Bumble-Bee*—who SCOUTED!

EUGENIO.

LONDON,

April 22. It may be depended on that Lord North is at present entirely uncertain about what part Great Britain will take in the affairs of Europe. He seems desirous of preserving peace, but many circumstances have lately occurred that render it doubtful whether he can do so if he preserves the honour of the nation at the same time.

The report yesterday at the west end of the town, was not that the ministry are fitting out a fleet, but that they have already actually fitted out one, which is sailed and gone for the Mediterranean; and on this ground, we are told, the friends of the court; but particularly the partizans of the lords North and Sandwich, plume themselves greatly. If there be any truth in the matter, the ministry certainly have shewn themselves no mean politicians, at the very time which they were amusing the French with the hopes of a new alliance, thus to anticipate them in favour of an old friend, and by so seasonable a stroke probably to preserve the peace of Europe. It is unnecessary to add, that the above fleet is said to be gone to the assistance of the Russians against the combined fleets of France and Spain.

April 23. The approach of war is now so strongly confirmed from all quarters, that the creatures of Lord Mansfield can no longer deny it. France has been preparing these four months; and till within these few days has lulled us into a fatal security of neutrality. Can we be neuter and behold her riding in the Baltic and Mediterranean? the quay at Dunkirk is nearly finished; her vaults are filled with warlike stores and men. In a word, her object in the North is to support Sweden against Denmark and Russia; and in the Mediterranean, to support the Turks against Russia and the emperor; and we have not only hitherto been the dupes of this accursed policy, but are, so long as France pleases, to continue in this dark and blundering situation, unless the flames of war alarm us to a just sense of our folly and danger. The plan laid down, and now pursuing by France, will inevitably draw every nation in Europe into a war; and we, from being the great umpire in such disputes, are sunk to the low state of tools to France, acting by a second or third hand, under French councils.

April 24. After Lord North had yesterday moved the sum for extraordinaries, it brought on the carpet a little conversation relative to the great delay in settling the judicature of Canada. Lord North assured the house, that ever since he had the honour of taking a part in the administration, he looked upon it as an object of the greatest consequence; that it had been laid before the ablest counsel for some time past, and that it now was under the consideration of the chancellor and the lord president; that it would soon be laid before the council; and that he hoped by the next session to see it brought before the house.

The following vessels are ordered to be got ready to fill the station at home of those mentioned by us in yesterday's paper, to be fitted with all possible speed for sailing; the Sandwich, the Courageux, the Grafton, the Arrogant, the Invincible, the Defence, the Shrewsbury, the Defiance, the Prince of Wales, the Ramillies, the Russell, the Augusta, and the Adelaide.

Bishop Burnet gave an account what progress the duke of Gloucester made in his education under his tuition, by proofs on his publick examination, which was very extraordinary. It cannot be improper that every heir apparent, or presumptive heir to the British throne, should be publickly examined at proper periods, as to improvements in literature, particularly his knowledge in the fundamental and essential principles of our happy constitution, and his own limited monarchy. One of the best books for his instruction in these important and chief branches of study, is certainly the incomparable Mr. Hooker's ecclesiastical polity.

The iſland of Mount Deſart, in the province of New-England, (a fine fertile tract of land of about twenty five thouſand acres) was obtained by Governor Bernard in a very extraordinary way (over and above the uſual grant of ſalary) from the people of Boſton; when they thought him (what he profeſſed himſelf to be) an honeſt man, and a friend to conſtitutional liberty. The valuable iſland, Sir Francis, it is ſaid, hath at laſt agreed to give up to his ſon Jonathan, on his intended alliance with L. H——h's family.

NEW-YORK, *June* 17.

The moſt probable foundation for the commencement of a war, appears to be the circumſtance of Sir Charles Saunders's hoiſting his flag, which he would not conſent to do, had he not been privately appized of his going out upon actual ſervice. N. B. Our fighting commanders never allow a miniſtry to triſle with their reputation, by ſerving upon Spithead expeditions. When either Saunders, Keppel, or Howe once weigh their anchors, Gauls and Spaniards look to yourſelves.

Bladenſburg June 14, 1773.

LAND to be ſold by publick ſale, on the Wedneſday of November court next, at 2 o'clock, before the houſe wherein Mrs. Charleton now dwells at Frederick-town, viz.

A valuable well improved tract of 310 acres, now occupied by William Hilliary, about ſeven miles below the ſaid town, which was conveyed by ſaid Hilliary to me by a deed which is recorded in Frederick county land-record book, I, folio 1044, February 18, 1765.

The bidder who ſhall pay down the greateſt ſum of money on the day aforeſaid, ſhall have a conveyance of the right now veſted in

RICHARD HENDERSON.

June 23, 1773.

To be ſold to the higheſt bidder, on the 6th of July next, on the premiſes, for ſterling money or bills of exchange, agreeable to the will of the late John Pye, Eſq;

ABOUT 500 acres of land, being part of a tract, called Cornwallis Neck, lying on Mattawoman Branch in Charles county.

HENRIETTA PYE, executrix,
WALTER PYE, executor.

N. B. The above land was advertiſed to be ſold on the 15th of June, but the ſale was put off on account of the bad weather and will certainly be ſold on the above day.

Annapolis, June 27, 1773.

Juſt imported, and to be ſold by the ſubſcriber, at the Indian Landing,

A LARGE and neat aſſortment of goods ſuitable to the different ſeaſons, for caſh or ſhort credit.

SAMUEL HARVEY HOWARD.

THE ſubſcriber having declined the buſineſs of ſtore keeping for ſome time, begs leave to requeſt all perſons that have dealings with him to ſettle their accounts without loſs of time, otherwiſe he will be obliged to take ſuch ſteps as the law directs.

He has ſtill on hand about £. 300 ſterling coſt of goods, which he will ſell upon reaſonable terms, and may be ſeen at Mr. Aikman's ſtore, next door to Mr. Joſhua Frazier's. Alſo a neat phaeton with compleat harneſs.

3w COLIN CAMPBELL.

N. B. Attendance will be given at Mr. Frazier's.

ON the 11th day of June 1773 came certain Daniel Earls and Cornelius Murphey, to my houſe and offered themſelves to ſervice On their being examined, they produced a certificate, dated May 27, 1773, ſigned George Dent, mentioning that they had thraſhed for him, and appeared to be induſtrious men: alſo produced another certificate, dated May 27, 1773, ſigned William Hanſon, mentioning their being committed to Charles county jail, on ſuſpicion of being runaways, but were afterwards diſcharged, on being properly examined. They are Iriſhmen, and appear by their cloathing and ſmell, to have juſt come from on board a ſhip. Daniel Earles is a middle ſized man, light hair, well ſet, full faced and appears to be about 30 years of age: he had on an old coat dark coloured, light coloured jacket, leather breeches and an old linen ſhirt. Cornelius Murphey is thin viſaged, black hair, ſlender body, and his cloaths near the ſame as the other. They ſay that they came paſſengers into Philadelphia, from thence to Broad-Creek in Maryland, in a ſloop; they cannot give any account of Philadelphia nor any part of Maryland, except the parts contiguous to Broad-Creek. I am of opinion they are runaways, although they have been ſeveral times taken up and diſcharged. If they are ſervants, the owner or owners may find them at the ſubſcriber's living near Elk-Ridge church in Anne-Arundel county, as they are now at work for him.

EPHRAIM HOWARD.

TAKEN up, between Kent Point and Poplar-Iſland, an anchor and cable with a one inch bound cage ſlip buoy, the cable almoſt 7 inches, about 40 or 50 fathom long, the anchor 4cwt. and upwards. The owner may have them again on proving property and paying charges, by applying to William Mills, on Slauter-Creek, the lower ſide of Little Choptank, Doreheſter county.

Patapſco, June 17, 1773.

ALL perſons having any juſt claims againſt the eſtate of Joſeph Jacobs, late of Anne Arundel county, deceaſed, are deſired to ſend in their accounts properly proved, and thoſe that are indebted to the ſaid eſtate are hereby deſired to make immediate payment without any further notice.

w3 JOSEPH JACOBS, } Executors.
RICHARD JACOBS, }

June 23, 1773.

STRAYED or ſtolen from the ſubſcriber a few days ago, a ſorrel mare with a blaze face, branded BD, about 14 hands and a half high. Whoever brings her home ſhall receive 20 ſhillings currency.

w2 NICHOLAS DORSEY ſen.

June 23, 1773.

STRAYED or ſtolen from the ſubſcriber, living in Frederick-county, within ſix miles of George-town, a bright bay mare, between 14 and 15 hands high, branded with F on her near ſhoulder and T on the buttock; ſhe has a ſtar on her forehead and a ſnip noſe, ſhod before, and is a natural pacer. Whoever will deliver the ſaid mare to Azel Warfield in Anne-Arundel county or to Philip Pock in Frederick county, ſhall receive 30 ſhillings, or to the ſubſcriber ſhall receive 50 ſhillings, paid by

w3 CHRISTOPHER KRYSER.

Anne-Arundel county, June 25, 1773.

RAN away from the ſubſcriber, 8th day of this inſtant, a negro man named Till, he is a well ſet fellow between yellow and black, one of his little fingers doubles ſo that he cannot ſtraighten it, I think on his left hand, I do not know of any other fleſh mark that he has but has been ſorely whipped; he is about 5 feet 5 or 6 inches high: had on when he went away a cotton jacket, an oſnabrig ſhirt and old trouſers; as for what other apparel he has I cannot tell, as he had other cloaths; he was heard to ſay if ever he went away again he ſhould endeavour to get on the Eaſtern ſhore, where he formerly lived, with my brother Thomas Lane, deceaſed, in Talbot county, at the head of Wye river, where he is well known. Whoſoever takes up the ſaid negro, if 10 miles from home ſhall have 20 ſhillings, if 40 miles or at a farther diſtance ſhall have 40 ſhillings beſides what the law allows, if brought home or committed to any jail; whoever ſhall happen on him are deſired to take care of him, if he has any opportunity he will make his eſcape; the above reward to be paid by the ſubſcriber living near Mr. Jonathan Rawlings in the ſaid county.

BENJAMIN LANE.

THERE is at the plantation of Solomon Hickman, living in the ſugar lands Frederick county, taken up as a ſtray, a white horſe, about 13 years old, 13 hands high, no perceivable brand: had on a bell marked DB. The owner may have him again, proving property and paying charges.

Annapolis, June 21, 1773.

HIS excellency the governor having taken out letters teſtamentary on the eſtate of the late lord proprietary, within this province——Notice is hereby given to all perſons who have become purchaſers of manor or reſerved lands, and have not ſtrictly complied with the terms of ſale; that if they do not return certificates and make immediate payment, they may depend that no indulgence can be granted, as the truſtees are determined to cloſe the accounts and make a final ſettlement without loſs of time.

Signed per order,

JOHN CLAPHAM.

Annapolis, July 1, 1773.

Juſt imported, and to be ſold by the ſubſcriber, in the ſtore lately kept by Mr. Colin Campbell, oppoſite the court-houſe, at the London prices,

A LARGE aſſortment of BOOKS *and* STATIONARY, *for caſh only.*

WILLIAM AIKMAN.

N. B. *On monday next he will open his circulating Library.*

Cheſter-Town, May 2, 1773.

LOST from the ſtern of a ſmall ſchooner, off Barren Iſland, on Wedneſday the 19th inſtant, a large new pine canoe, thirty feet long, ſplit in her larboard quarter by laying in the ſun, which ſplit is newly caulked and pay'd with pitch, and has two iron clamps to keep it together; ſhe had about two fathom of new rope faſtened to her bow, and two oars and one paddle underneath the thwarts. Whoever takes up ſaid canoe and brings her to the ſubſcriber, or lodges her with Mr. M'Hard at Annapolis, ſhall have a reward of twenty ſhillings.

3w WILLIAM GEDDIS.

THERE is at the ferry of Thomas Addiſon, a dark bay gelding, about 14 hands high, branded on the near ſhoulder IP joined together, a blaze face, and a ſaddle ſpot on his withers, ſhod before. The owner may have him again, proving property and paying charges.

PUBLICK notice is hereby given, that the veſtry of Queen-Caroline pariſh intend petitioning the next General Aſſembly, for an Act to build a church in the place where the old one now ſtands.

Signed per order,

WILLIAM COALE, regiſter.

SCHEME of a LOTTERY,

for raiſing 1350 Dollars, for repairing the Road from *Connolloway* to *The winding Ridge.*

Number of Prizes.		Dollars.			Dollars.
1	of	300	is		300
3	of	100	are		300
6	of	50	are		300
51	of	20	are		300
30	of	10	are		300
60	of	5	are		300
75	of	4	are		300
850	of	3	are		2550
1040 Prizes			are		4650
1960 Blanks			gain		1350
3000 Tickets at Two Dollars each amount to					6000

BY the above Scheme there are not Two Blanks to a Prize, and the Prizes ſubject to no Deduction; and as there are many of them very valuable, it is not doubted but the Tickets will very ſoon be diſpoſed of, eſpecially as a great Number of them are already engaged.

The Drawing to begin at *Hagar's-Town*, on Tueſday the Third Day of *Auguſt* next if full, or ſooner if ſooner full; in the Preſence of Three Managers at leaſt, and as many of the Adventurers as chooſe to attend.

The Managers are, Meſſ. *Thomas Criſſop, Michael Criſſop, James Wood, Jonathan Hagar, John Swan, James Caldwell, John Caldwell,* and *Richard Yeates.*

A Liſt of Prizes will be publiſhed in the *Maryland* Gazette, which will be ready to be paid in One Month after the Drawing. Thoſe not demanded within Six Months will be deemed as generouſly given towards repairing the aforeſaid Road.

Tickets may be had of any of the Managers.

CHARLES JACOB and ABRAHAM CLAUDE,
WATCHMAKERS FROM LONDON,
Have juſt opened Shop, oppoſite Mr. Ghiſelin's, *in* West-Street, Annapolis,

WHERE they repair all Sorts of repeating, horizontal, and plain Watches, in the neateſt and moſt approved Manner, and at the moſt reaſonable Rates. Thoſe Ladies and Gentlemen that pleaſe to favour them with their Cuſtom, may depend on having their Work done with the greateſt Punctuality and Exactneſs, as they will execute all the Work themſelves without employing any other Perſon, and engage their Work for one Year: They will alſo ſupply any Perſon with Watches of their own make, and warrant them as good as if bought in *London.*

WE do hereby certify, that a certain negro man named BOB, formerly the property of Mackimenia Porter, of the county of Somerſet and province of Maryland, but now the property of Miller and Heſlop, of the county of Spotſylvania and colony of Virginia, merchants, is a ſlave, that he was born ſuch, that his mother and all her children are ſuch, and that any thing to the contrary of their being any thing elſe than actual ſlaves during their natural lives they know not. Given under our hands this 14th day of October, 1772.

William Venables, Caleb Bridding, Will. Piggs,
William Horſey, Zach. Muddan, J. Hamilton,
John Mitchell, Peter Cullaway, W. Vaughan.

Virginia, May 25, 1773.

Ran away early laſt December from Mount Pleaſant, in Spotſylvania county, Virginia, the abovementioned negro. I will give ten pounds Virginia currency reward to have him ſecured in any jail on this continent, or notice given in this Gazette, and twenty pounds reward if brought to Fredericksburg.

When he went off he procured a forged paſs ſigned with the name of William Smith, gentleman, one of his Majeſty's juſtices of the peace for the county of Spotſylvania, called himſelf and paſſed as a freeman, by the name of Robert Alexander, but the above certificate will ſhew him to be a ſlave, as it is ſigned by ſeveral people who were formerly his owners. The dreſs he went off in was a dark Bath coat, a brown broad-cloth waiſtcoat, buckſkin breeches, yarn ſtockings, ſhoes, and braſs buckles; but as he is a cunning, artful villain, he may have changed his dreſs. He ſtole ſundry fine linen ſhirts, the property of my partner, Mr. William Heſlop, marked W H: he is tall, above ſix feet high, ſlim made, a very likely fellow, and is handy about all ſorts of plantation work, is by trade a ſawyer, having been bred to it from his infancy, and attended ſeveral ſaw-mills on the Eaſtern ſhore, of which place he is a native; he likewiſe underſtands the houſe carpenters buſineſs.

I expect he has puſhed to the northward; indeed he was followed as far as Annapolis, from whence I imagined he croſſed the Bay. If taken up in Maryland or Pennſylvania, and delivered to Mr. David Kerr near Annapolis, Mr. James Jaffray in Baltimore, or Mr. William Turnbull, merchant, Philadelphia, the above reward will be paid. All maſters of veſſels are forewarned to carry him off at their peril. tf JOHN MILLER.

To be sold by publick vendue, on Wednesday the eighteenth day of Auguſt next, agreeable to the will and teſtament of Arthur Charlton,

ALL that valuable lot of ground where the deceaſed lived, on which is a good two ſtory brick dwelling houſe, with two out-houſes, one bricked and the other framed, with a good ſtable, ſmoke-houſe and kitchen: one half the purchaſe money to be paid down, the other half not, on giving bond with intereſt, and ſecurity if required.

ts ELEANOR CHARLTON, Executrix.

May 1, 1773.

To be ſold to the higheſt bidder on Saturday the laſt day of July, about noon,

A PLANTATION on Hanſon's branch, in Prince-George's county, about 6 miles from Patowmack river, at Alexandria, on which are a fine apple orchard, and ſuch buildings as are commonly made for tenants. The tract is clear of all incumberances, contains 208 acres of land. It is ſuppoſed that above 20 acres of it may be made exceeding fine meadow, over which there is a remarkable fine ſpring iſſuing from a rock; it is ſuppoſed that about 100 acres are cleared, and there is timber enough with care to ſupport the land. The ſale to be on the premiſes, when the terms will be made known. ZACHARIAH SCOTT.

May 24, 1773.

RAN away, laſt night, from the ſubſcriber, living in Garriſon foreſt, about 10 miles from Baltimore, in Maryland, a mulatto ſlave named JACK, about 5 feet 9 or 10 inches high, of a thin viſage and ſlender make, with his knees bent in one againſt the other, commonly called knock-knee'd, and has a ſcar on his right cheek: had on, and took with him, when he went away, a white kerſey jacket and breeches, a pair of leather ditto, a blue cloth coat, a dark brown Devonſhire kerſey great coat, three oſnabrig ſhirts, two white holland ditto, one pair of oſnabrig trouſers, a pair of dark brown ribb'd ſilk ſtockings, brown worſted and negro yarn ditto, a pair of half worn ſhoes, another pair nailed in the ſoles, and a felt hat; he plays on the violin. Whoever takes up the ſaid ſlave, and ſecures him, ſo that his maſter may get him again, ſhall receive, if in the province, three pounds, and if out of the province ten pounds, and all reaſonable charges, paid by w4 GEORGE RISTEAU.

N. B. It is ſuppoſed the above runaway carried off with him, from Gardiner's tavern, about eight miles from Baltimore, a dark bay horſe, about 15 hands high, a natural pacer, belonging to Mr. Edward Stephenſon, of Pipe-creek, Frederick county. All maſters of veſſels are forewarned from carrying him off at their peril.

Annapolis, May 26, 1773.

To be ſold by the ſubſcriber at publick vendue, on Monday the 5th day of July next, on the premiſes, if fair, if not the next fair day,

ABOUT five hundred acres, part of that valuable tract of land, called Middle Plantation, lying in Anne-Arundel county, between the head of South-river and Patuxent; alſo about forty acres of choice meadow adjoining the ſaid land. The land is level, and the ſoil good, either for planting or farming; it is pleaſantly ſituated, about two miles from two merchant mills, and about the ſame diſtance from a navigable water, where ſhips frequently load, and is a market for all ſorts of grain. The purchaſer will be put into poſſeſſion the 25th Nov. next, and have the liberty to ſow grain this ſummer. ts NICHOLAS MACCUBBIN.

May 14, 1773.

NOTICE is hereby given, that application will be made to the next general aſſembly for an act to confirm the title of the ſubſcribers of, and in two tracts or parcels of land, called Spring Garden, and the chaſe lying in Soldier's Delight hundred, in Baltimore county; and alſo to enable the clerk of Baltimore county, to record a deed from Thomas Sligh and Vachel Worthington, to Benedict Swoope.

BENEDICT SWOOPE,
DANIEL BOWERS,
JACOB MADEIRA,
4w HARMAN FISHER,
ELIZABETH HOLTZINGER,
MARTIN ESCHELBERGER,
FREDERICK ESCHELBERGER.

Executors and Truſtees of Barnet Holtzinger.

Mount-Clare, Baltimore county, June 12, 1773.

TO BE LET,

A MERCHANT-MILL, and country-mill, on navigable water, about two miles from Baltimore-town. They are both in compleat repair; the merchant-mill has French buts, and two bolting cloths; the country mill a pair of Cologne and a pair of country ſtones; they ſtand on the ſame race, have a plentiful ſtream of water, and contain ſufficient room for ſtoring of grain. For the terms apply to the ſubſcriber.

4w CHARLES CARROLL.

Annapolis, May 20, 1773.

THE ſubſcriber intending to leave this province the enſuing fall, earneſtly requeſts all perſons indebted to him to make ſpeedy payments; and all thoſe who have demands againſt him, are deſired to make them known, that they may be adjuſted.

JOHN HEPBURN.

May 10, 1773.

In purſuance of a deed executed on the 19th day of May, 1773, by Meſſrs. John Barnes and Thomas How Ridgate, joint partners in trade, to us the ſubſcribers, in truſt for the payment of their debts in the manner in the ſaid deed expreſſed, which deed is recorded among the records of Charles county,

NOTICE is hereby given to the country creditors of the ſaid John Barnes and Thomas How Ridgate, and the holders of bonds and other ſpecialties, and bills of exchange, actually and bona fide executed and drawn by the ſaid John Barnes and Thomas How Ridgate, in the province of Maryland, that we have appointed the twenty firſt day of February next, to meet the ſaid creditors in the town of Port-Tobacco in Charles county, in the ſaid province of Maryland, for the purpoſe of receiving their claims in writing againſt the ſaid John Barnes and Thomas How Ridgate, joint partners in trade as aforeſaid, and releaſes of the perſons of the ſaid John Barnes and Thomas How Ridgate. And that all thoſe of the ſaid creditors, who ſhall neglect or refuſe to ſignify their claims in writing to us or one of us, or who ſhall neglect or refuſe to releaſe and acquit the perſons of the ſaid John Barnes and Thomas How Ridgate, in conſideration of the benefits and advantages the ſaid creditors are to receive under the ſaid deed, on or before the ſaid twenty-firſt day of February next, will be barred and excluded from all manner of benefit and advantage under the ſaid truſt deed, and the powers therein contained, according to the purport true intent and meaning thereof.

JOHN ROGERS,
THOMAS STONE,
PHILIP RICHARD FENDALL.

THE Land office iſſue warrants as formerly, and all perſons who have made application for warrants or any kind of buſineſs in that office, are deſired to apply, that they may not loſe the benefit of ſuch application.

Signed per order,
WILLIAM STEUART, C. L. Off.

William Whetcroft, goldſmith and jeweller, at his ſhop in Weſt-ſtreet, has for ſale,

A LARGE quantity of ſilver work ready made, ſuch as ſilver coffee pots, tea-pots, waiters, tankards, quart, pint, and half pint cans, ſugar-diſhes and baſkets, cream-pots and cows, butter-boats chaſed and plain, pepper caſtors, ſalts chaſed and plain, ſoup-ladles and ſpoons, table, deſert, marrow, and tea-ſpoons, ſugar-tongs, joint and ſpring ſilver ſpurs, plated ditto, whiſtles, punch ladles and ſtrainers, morocco pocket-books, ſilver pencils, nutmeg-graters, with a great variety of new faſhion ſilver ſhoe-buckles, ſet ſhoe, knee, and ſtock-buckles, paſte, marquiſite, and garnet combs, hair flowers of all ſorts, and beautiful paſte necklaces with ear-rings to match them in caſes; new faſhion ſtay hooks, ſettings for miniature pictures and bracelets ſet round with garnets, diamond, topaz, garnet, amethyſt, cornelian, and hoop-rings; box lockets ſet round with garnets, ſilver ditto ſet round with marquiſites, with plain gold ones of different prices; gold and ſilver thimbles, ear-rings of different kinds, garnet broaches ſet in gold and ſilver, plain gold ditto, cornelian ſeals ſet in gold, with a great variety of others ſet in ſilver and pinchbeck, ſet pins of all ſorts, mocoa ſleeve-buttons ſet in gold, white and brown chriſtals in ditto, with almoſt every kind of locket buttons, all which he will ſell on very reaſonable terms; and as he has the greateſt part of them manufactured at his own ſhop, and can depend on the goodneſs of the work, he will engage if any perſon ſhould buy any jewelling work from him, and that any of the ſtones ſhould happen to drop out, that he will reſet it gratis: he likewiſe carries on the clock and watch making buſineſs as uſual, and has for ſale ſome extreme good eight day and twenty-four hour clocks, with a great variety of watches of different prices, both in gold, ſilver, and fiſhſkin caſes, which he will engage are as good as can be imported for the ſame price, and for the encouragement of ſuch gentlemen and ladies, as may pleaſe to deal with him; he will engage any watches he ſells with his own name, that he will keep them in repair for three ſhillings and ſix-pence yearly, provided they don't get ill uſage, and ſuch gentlemen or ladies that chuſe to commit their watches to his care to be repaired if he do not make them anſwer their expectations he will return them the money they paid him; he alſo covers caſes with ſhagreen or fiſhſkin, and makes them look as well as they did at firſt.

N. B. He likewiſe takes care of clocks in this town, and will keep them in good order, and ſend a man once a week to examine them and wind them up for fifteen ſhillings yearly; he gives the higheſt prices for old gold, ſilver, and ſilver-lace.

THERE is at the plantation of Stephen Hall, in Baltimore county, taken up as a ſtray, a bay horſe, about thirteen hands high, trots, and has a ſtar in his forhead.

The owner may have him again, proving property and paying charges. w3

May 13, 1773.

ALL perſons having any claims or demands to account of their dealings with me while I did buſineſs at Piſcataway, in Prince-George's county, are hereby deſired to meet me at the place aforeſaid, from Monday morning the 28th of June next, to Saturday evening the 3d of July following, where due attendance (by the leave of God) ſhall be given, and to receive all complaints, which ſhall be examined in preſence of one or more gentlemen of honour and integrity, who ſhall judge thereof, and ſuch determination made as to ſuch judge or judges ſhall ſeem juſt and right. JAMES MARSHALL.

TO BE SOLD,

THE Dwelling Houſes and Lots belonging to the late *John Morton Jordan*, Eſq; deceaſed, ſituated on the Bank of *Severn* River in the City of *Annapolis*. Any Perſon inclinable to purchaſe the ſaid Houſes and Lots, may know the Terms by applying to their moſt obedient humble Servant,

REUBEN MERIWETHER, Admr.

Annapolis, June 8, 1773.

To be rented for a ſmall term of years, and entered on the 1ſt day of November,

ABOUT one hundred and fifty acres of land, lying in Baltimore county, and within a few Miles of Baltimore-town. The ſoil is good and the place properly calculated for farming, having every convenience on it for that trade. There may be had any quantity of grain in the ground this fall, not exceeding forty buſhels. For further particulars apply to the ſubſcriber, who has alſo a very elegant room on a ſecond floor to let, ſuitable for a private gentleman.

3w WILLIAM JACOB.

Upper-Marlborough, June 4, 1773.

THE ſubſcriber takes this method to acquaint his cuſtomers and friends in general, that he has imported from London, a neat aſſortment of tabbies, tickings, buckrams, braidings, &c. and whalebone for carrying on the ſtay makers buſineſs. Thoſe gentlemen and ladies that pleaſe to favour him with their cuſtom, may be aſſured on their having their work done in the neateſt manner, by

4w JOHN CONNER.

ALL and every creditor and creditors of Col. James Baxter, or William Baxter, Eſq; late of Cæcil county, deceaſed, are requeſted to inform the ſubſcribers, or either of them, of the nature and amount of their ſeveral claims, that the ſame may be adjuſted and paid, ſo far as the ſaid eſtates ſhall extend, in ſuch order as the law directs. The debtors to the ſaid eſtates, are alſo deſired to be as expeditious as poſſible in the diſcharge of their ſeveral debts without further notice, from

JOSEPH BAXTER,
w6 THOMAS JONES,
BARUCK WILLIAMS.

June 3, 1773.

WENT away on Monday the 17th of laſt month, a negro man, named Frank, about 30 years of age, of the common ſize, has many white hairs on his head: had on, an oſnabrig ſhirt, hempen roll trouſers, and Welch cotton waiſtcoat, ſuch as negroes generally have, and carried with him ſundry other articles of apparel that I cannot particularize here; he is an artful fellow, has been ſix years in the country, but ſpeaks Engliſh very indifferently, and has lately taken upon himſelf the practice of phyſick, in which employment he has againſt my conſent been countenanced by a few people, whoſe encouragement has been the means of his elopement. I will give 30 ſhilling for apprehending and bringing the ſaid negro to me, provided he is taken within 20 miles of Piſcataway; and if taken at a diſtance above 20 miles, and within 30, I will give 40 ſhillings; and if above 30 miles, I will pay a reward of 3 pounds, for delivering him at Piſcataway, in Prince-George's county, to

4w THOMAS CLAGETT.

Elk-Ridge Landing, June 5, 1773.

To be ſold at publick auction the firſt Saturday in Auguſt, if fair, if not, the firſt fair Saturday after, for ſterling caſh, good London bills of exchange, or current money,

THE houſe and lot where Joſhua Dorſey now lives. There are on the lot, a good dwelling-houſe, 48 feet by 28, 2 ſtory high, with an addition to one end, 16 by 28, 5 rooms on a floor, with a paſſage through; the houſe quite new, a good cellar under it, 28 by 28, a good kitchen with a brick chimney, and a covered paſſage from the dwelling-houſe to the kitchen, 24 by 10, a good ſmoke-houſe and ſtable, oven and oven-houſe, a good garden well paled, and the poſts all locuſt and cedar, a good well with a pump in it; the whole improvements new and in good order; an excellent place for a publick-houſe, and well calculated either for publick or private life. There is one acre and one quarter of ground to the lot, which is under a rent of three guineas per year for ninety-nine years, and renewable for ever, by

tf JOSHUA DORSEY.

N. B. Will be rented after the day propoſed for ſale, if not ſold: alſo a billiard table to be ſold.

TO BE SOLD,

A NEGRO man fit for plantation work, for caſh or ſhort credit. Enquire of the printers.

Virginia, April 29, 1773.

To be rented, for a term of years,

THE mills at the falls of James river, in the town of Manchester, which consist of a double saw-mill, a grist-mill, with two pair of stones, for country work, which is worth about 400 barrels of corn the year, a merchant-mill with four pair of best French burrstones, and all conveniencies necessary for carrying on the manufacturing business in the best manner; likewise a good dwelling-house with two rooms on a floor, and a cellar and large fireplace in it; as also a large store-house, cooper's shop, stable, blacksmith's shop and tools, and a lot of two acres and a half enclosed about the works. The stream affords water enough for as many more mills, and the works are so situated that they are out of danger from freshes, having never received any damage but from the unparallelled one in May 1771. These works, being placed within a few yards of navigation, and in the most flourishing part of the country, where any quantity of wheat may be purchased, the business of manufacturing, as well as the West India trade, may be carried on to as great advantage as any where on the continent, and a ready market may be had for any quantity of plank, scantling, &c. The saw and grist-mills are now finished, and the merchant-mill will be finished by the 1st of September next. Any person inclinable to rent the said works, may know the terms by applying to

fw JOHN MAYO.

Annapolis, June 12, 1773.

THE Subscriber has a man lately from England regularly brought up to cutting, docking, nicking, cropping, and breaking of horses in the most approved manner, which different branches will be executed on the most reasonable terms, and all possible care will be taken to give satisfaction to all those who choose to employ him. He has also provided good horses for the conveniency of gentlemen travellers, much better than are generally kept for that purpose; and as he has for some time past kept the rose and crown tavern, has enabled himself to provide every necessary to carry on that business, to give satisfaction, which he flatters himself he has heretofore done, from the encouragement he has met with from his friends in particular, and the publick in general, whose favours he will ever endeavour to merit.

The subscriber undertakes to buy and sell horses. Any persons who choose to employ him in that way, may depend on being faithfully served,

By their, humble servant,

2w JOHN WARREN.

Just arrived in Patuxent, in the Sibella, Captain Thomas Smith, from London,

ASSORTMENTS of goods for the Stores at Leonard's-Creek, Pig Point, Queen-Anne, and Upper-Marlborough. The Sibella loads with tobacco consigned to West and Hobson, and will be quickly dispatched. I shall order insurance as usual.

3w STEPHEN WEST.

Annapolis, June 16, 1773.

Just imported, in the Betsey, Capt. Hanrick, from London, and to be sold by the subscriber, at his store near the Dock, at the very lowest price, for cash, or bills of exchange, by wholesale or retail,

A GREAT variety of European and East-India goods, suitable to both seasons: also may be had as usual, wine, rum, coffee, loaf and brown sugar, flower, window glass, and some seines, with leads, corks, and cords compleat, &c.

w3 NATHAN HAMMOND.

Baltimore, June 2, 1773.

For London, and will sail in ten or fifteen days,

THE snow Adventure, Wharton Wilson, master; she has the best accommodations for both cabbin and steerage passengers, is a strong English built vessel, and sails remarkably fast. Persons wanting passages, will be pleased to apply to the captain on board, or to Henry Thompson, who hath for sale, polished and rough flag stones, window and stepping stones, white oakum, Newcastle smiths coal, oatmeal, peaze, ling fish, and brandy: also, a few pipes of excellent Madeira wine, and hogsheads of old Jamaica spirit, with choice pork, &c. &c. 2w

Annapolis, June 15, 1773.

WANTED IMMEDIATELY,

A YOUNG man who is capable of undertaking the management of a store, and can be well recommended. Enquire of

SAMUEL H. HOWARD.

Baltimore, May 25, 1773.

On hand—and just imported,

A LARGE assortment of dry goods, nails, earthen and glass ware, best London bottled porter; a large parcel of Manchestry of various sorts, a few casks of beef, and some fine barley, &c. &c.—Which are to be disposed of, for cash, or produce, or at the usual credit, by

6w JAMES CHRISTIE, junr.

N. B. All those indebted to me are desired to pay immediately.

FIFTY DOLLARS REWARD.

Queen-Anne's county, Maryland, June 2, 1773.

ON Sunday last were stolen or seduced from the subscriber, living in Queen-Anne's county, opposite to Chester-town, in Kent county, in Maryland, two negro girl slaves, one named Rachel, about nine or ten years of age, of a yellow complexion, well grown, has a scar on her throat under her jaw, and two remarkable broad foreteeth; the other named Sarah, about five or six years of age, thick lips, hollow eyes, and the upper part of her nose much sunk. These slaves were formerly the property of Elizabeth Adair, of Kent county aforesaid, who intermarried with John Posey, and were purchased of the said John Posey, by Sarah Flower, with whom the subscriber intermarried. As it is suspected that they have been taken away, with a purpose of conveying them out of this province, all persons are cautioned against purchasing them, and whoever will make known to the subscriber, the person or persons who stole or seduced the said slaves from him, and the person in whose possession they are, so that they may be recovered, and the offender or offenders punished according to law, shall receive the above reward, from

w4 EMMANUEL KENT.

FIFTEEN POUNDS REWARD.

May 20, 1773.

RAN away from the subscriber's plantation, in Frederick county, on the head of Bennett's creek, on the 17th inst. at night, a convict servant man, named William Flint, about 22 years of age, born in the west of England, a spare slim fellow, about 5 feet 8 inches high, of a swarthy complexion, short black hair, and has lost one of his fore teeth: he had on, and took with him, a white cotton jacket, brown cloth ditto much worn, a pair of leather breeches black and dirty, two white shirts, two pair of stockings and shoes, and a new felt hat; it's possible he may have changed his name and apparel, as he has a sum of money with him.

Whoever takes up the said servant, and brings him either to John Plummer, overseer on the above-said plantation, or to the subscriber living in Anne-Arundel county, near Elk-Ridge church, shall have the above reward for their trouble, besides what the law allows, paid by

tf HENRY RIDGELY.

Anne-Arundel county, June 16, 1773.

COMMITTED to my custody as a runaway, negro Jack, who says he belongs to Archibald Bell, who lives on Snowden's manor, in Prince-George's county, near the north branch of Patowmack, he is a well set fellow, about thirty-five years of age, five feet four or five inches high, he is very black, and hath a small scar on his right cheek: he hath on, a white cotton jacket, crocus shirt, and cotton breeches very much worn. His master is desired to take him away and pay charges, to

WILLIAM NOKE, sheriff

Somerset county, June 15, 1773.

THERE is at the subscriber's store, on Wicomico river, a case, supposed to contain looking-glasses, marked H E, N. 1. also three faggots of A. C. steel, in the same mark: these goods were imported in Oct. 1771, in the ship Emperor, Capt. Lockerill, from London to Rappahanock, and shiped by Mr. John Bell of London, Merchant, and brought to Somerset in the schooner Polly, John Parker, master. It was then imagined these goods were either for Somerset, Dorchester, or Worcester, and have been often advertised in these counties; as yet there has not any owner applied for them; I therefore conclude they were brought through mistake from Virginia. The owner, is now requested to prove his property, produce his bill of lading, pay charges, and take them away.

w4 HENRY LOWES.

Baltimore, May 26, 1773.

DANIEL GRANT,

Who lately kept tavern at the sign of the Buck, near Philadelphia,

BEGS leave to inform the publick, that he hath opened an inn and tavern, at the sign of the Fountain, in that large and commodious house lately built by Mr. Gough, in Market-street, Baltimore. He hath provided every thing for the accommodation of gentlemen, their servants, and horses, in the best manner; and those who chuse to favour him with their custom, may be assured of his best endeavours to merit their approbation. He takes this opportunity of returning his most grateful thanks to the gentlemen who did him the honour to frequent his former house, and as it shall ever be his study to please, he hopes for a continuance of their favours.

Annapolis, May 26, 1773.

THE subscriber who served his time with Mr. Thomas Callahan of this city, has just opened shop at Mr. Martin Waters's, opposite John Ridout's, Esq; where he intends to carry on the tailoring business in all its branches. Those gentlemen that will favour him with their custom, may depend on having their work done in the neatest and most reasonable manner, by

Their most obedient humble servant,

6w LEWIS LEWIS.

By Virtue of a Deed of Trust from Captain William Richardson, *for the Benefit of his Creditors,*

To be sold on Wednesday the 11th of August next, by public Sale, at the House of Mrs. Chilton, *in* Baltimore-Town,

THAT valuable and well known Tract of Land called *Colrain*, said to contain near 600 Acres, though only patented for 600 Acres. There are about 100 Acres cleared, being the poorest Part of the Land, whereon is built, a framed Dwelling-House, 30 by 20 Feet, with Brick Chimnies, having Two Rooms below and Three above, a Kitchen, Meat House, Milk-House on a Spring, Hen-House, Corn-House, Stables and Barn, and an exceeding good Apple Orchard, about 40 Acres of Meadow are cleared, and under middling Fence. Part whereof is embanked Marsh, the Rest white Oak Bottom, and upwards of 100 Acres more may be made. This Land abounds with Locust, Maple, Hickory, red and white Oak, and is conveniently situated in *Baltimore* County, upon *Bush* River, 4 Miles from *Bush-Town* and *Joppa*, and 22 from *Baltimore-Town*. There is a good Fishery, particularly of Herrings in the Season, and plenty of wild Fowl. It is supposed to contain plenty of Iron Ore, from the Appearances, is convenient to many Furnaces, and hath a good Landing. Twelve Months Credit will be given to the Purchaser, and if any inclinable to purchase privately, they may know the Terms, by applying to Mr. *James Christie*, Merchant, in *Baltimore-Town*; and Capt. *William Richardson* will attend on the Premises to shew the Land.

ALL persons having accounts and debts with Thomas Harwood, jun. and John Brice, of more than one year standing, are requested to make immediate payment; and as their partnership is now at an end, it is requested that their customers who have accounts of an early date will call and close them, when convenient, which will save a great deal of trouble to

Their much obliged,

And very humble servant,

tf THOMAS HARWOOD, jun.

N. B. Thomas Harwood, jun. intends to import goods, and the business will then be carried on by Thomas and Benjamin Harwood, who will gladly serve all that may incline to favour them with their custom.

May 12, 1773.

PRINTING in all it's *various branches*, performed in a *neat, correct*, and *expeditious manner*, on the *most reasonable terms*, by WILLIAM GODDARD, at his Printing-Office, at the corner of *South* and *Market streets*, nearly opposite to Mrs. *Chilton's*, in *Baltimore-town*.

Those gentlemen who have been so obliging as to take in subscriptions for the *Maryland Journal*, and *Baltimore Advertiser*, are earnestly requested to transmit the *subscription lists* (or the *subscribers names* and *places of abode*) as speedily as possible, to the office above-mentioned, that the printer may be enabled to ascertain the number necessary to be printed, as well as to forward the papers in a proper manner to every subscriber.

As soon as proper *posts* or *carriers* are established, the *paper* will be published, of which seasonable notice will be given in this *gazette*, to give gentlemen an opportunity to advertise in the *first number*.

May 12, 1773.

To be sold for London bills, or cash, or leased for a term of years,

THE house and lot now in the occupation of Mrs. Mary Hawkins, in Piscataway; the dwelling-house is commodious, and well calculated for the entertainment of travellers and others, with suitable out houses, and a large garden and yard well paled in with locust posts: there is likewise great plenty of room on the said lot, for building or other improvements, near and adjoining the main county road. Credit will be given for one half the money twelve months, on giving bond and security if required, to

1m THOMAS DENT.

May 1, 1773.

Imported in the Industry, Capt. Carcaud, and in the Nelly frigate, Capt. Greig, both from London, and to be sold at the following places,

CARGOES of European and East-India goods well assorted,

At Nottingham, per Contee and Bosie,
At Magruders, per Contee and Magruder,
At Frederick-town and the mouth of Monocacy } per Contee and Hanson.

A parcel of sortable goods for wholesale, by the Nelly frigate, Capt. Greig, amount £. 394. 9. 6. prime cost, which I will sell at a low advance, for bills or cash. I expect in all next month; some pipes of wine from Madeira, which I will sell cheap.

4w THOMAS CONTEE.

March 18, 1773.

THE Creditors of Mr. *Robert Horner*, late of *Charles*, are desired to meet at the House of Mrs. *Halkerston*, in *Port-Tobacco* on Wednesday, in *Charles* County *August* Court week next, with their Claims against the said *Horner*, in order that a Distribution of the Money arising on the Sale of his Effects decided to us for their use may be made.

RICHARD BROWN, } Trustees.
w6 THOMAS BOND. }

ANNAPOLIS: Printed by ANNE CATHARINE GREEN and SON.